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WITH MEMOIRS BY R. H. HUTTON

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THE ENGLISH CONSTITUTION.

I.

INTRODUCTION TO THE SECOND EDITION.

THERE is a great difficulty in the way of a writer who attempts to sketch a living constitution,—a constitution that is in actual work and power; the difficulty is that the object is in constant change. A historical writer does not feel this difficulty: he deals only with the past; he can say definitely, the constitution worked in such and such a manner in the year at which he begins, and in a manner in such and such respects different in the year at which he ends; he begins with a definite point of time and ends with one also. But a contemporary writer who tries to paint what is before him is puzzled and perplexed: what he sees is changing daily. He must paint it as it stood at some one time, or else he will be putting side by side in his representations, things which never were contemporaneous in reality. The difficulty is the greater because a writer who deals with a living government naturally compares it with the most important other living governments, and these are changing too; what he illustrates are altered in one way, and his sources of illustration are altered probably in a different way. This difficulty has been constantly in my way in preparing a second edition of this book. It describes the English Constitution as it stood in the years 1865 and 1866; roughly speaking, it describes its working as it was in the time of Lord Palmerston: and since that time there have been

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many changes, some of spirit and some of detail,—in so short a period there have rarely been more changes. If I had given a sketch of the Palmerston time as a sketch of the present time, it would have been in many points untrue; and if I had tried to change the sketch of seven years since into a sketch of the present time, I should probably have blurred the picture and have given something equally unlike both.

The best plan in such a case is, I think, to keep the original sketch in all essentials as it was at first written, and to describe shortly such changes either in the constitution itself, or in the constitutions compared with it, as seem material. There are in this book various expressions which allude to persons who were living and to events which were happening when it first appeared, and I have carefully preserved these: they will serve to warn the reader what time he is reading about, and to prevent his mistaking the date at which the likeness was attempted to be taken. I proceed to speak of the changes which have taken place either in the Constitution itself or in the competing institutions which illustrate it.

It is too soon as yet to attempt to estimate the effect of the Reform Act of 1867. The people enfranchised under it do not yet know their own power: a single election, so far from teaching us how they will use that power, has not been even enough to explain to them that they have such power. The Reform Act of 1832 did not for many years disclose its real consequences: a writer in 1836, whether he approved or disapproved of them, whether he thought too little of or whether he exaggerated them, would have been sure to be mistaken in them. A new constitution does not produce its full effect as long as all its subjects were reared under an old constitution, as long as its statesmen were trained by that old constitution. It is not really tested till it comes to be worked by statesmen and among a people neither of whom are guided by a different experience.

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In one respect we are indeed particularly likely to be mistaken as to the effect of the last Reform Bill. Undeniably there has lately been a great change in our politics: it is commonly said that "there is not a brick of the Palmerston house standing." The change since 1865 is a change not in one point but in a thousand points; it is a change not of particular details but of pervading spirit. We are now quarreling as to the minor details of an Education Act: in Lord Palmerston's time no such Act could have passed. In Lord Palmerston's time Sir George Grey said that the disestablishment of the Irish Church would be an "act of revolution": it has now been disestablished by great majorities, with Sir George Grey himself assenting. A new world has arisen which is not as the old world; and we naturally ascribe the change to the Reform Act. But this is a complete mistake: if there had been no Reform Act at all, there would nevertheless have been a great change in English politics. There has been a change of the sort which above all generates other changes, — a change of generation. Generally one generation in politics succeeds another almost silently; at every moment, men of all ages between thirty and seventy have considerable influence; each year removes many old men, makes all others older, brings in many new. The transition is so gradual that we hardly perceive it. The board of directors of the political company has a few slight changes every year, and therefore the shareholders are conscious of no abrupt change. But sometimes there *is* an abrupt change: it occasionally happens that several ruling directors who are about the same age live on for many years, manage the company all through those years, and then go off the scene almost together. In that case the affairs of the company are apt to alter much, for good or for evil: sometimes it becomes more successful, sometimes it is ruined, but it hardly ever stays as it was. Something like this happened before 1865. All through the period between

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1832 and 1865, the pre-'32 statesmen—if I may so call them—Lord Derby, Lord Russell, Lord Palmerston retained great power. Lord Palmerston to the last retained great prohibitive power: though in some ways always young, he had not a particle of sympathy with the younger generation; he brought forward no young men; he obstructed all that young men wished. In consequence, at his death a new generation all at once started into life; the pre-'32 all at once died out. Most of the new politicians were men who might well have been Lord Palmerston's grandchildren. He came into Parliament in 1806, they entered it after 1856. Such an enormous change in the age of the workers necessarily caused a great change in the kind of work attempted and the way in which it was done. What we call the "spirit" of politics is more surely changed by a change of generation in the men than by any other change whatever. Even if there had been no Reform Act, this single cause would have effected grave alterations.

The mere settlement of the Reform question made a great change too. If it could have been settled by any other change, or even without any change, the instant effect of the settlement would still have been immense. New questions would have appeared at once. A political country is like an American forest: you have only to cut down the old trees, and immediately new trees come up to replace them; the seeds were waiting in the ground, and they began to grow as soon as the withdrawal of the old ones brought in light and air. These new questions of themselves would have made a new atmosphere, new parties, new debates.

Of course I am not arguing that so important an innovation as the Reform Act of 1867 will not have very great effects: it must in all likelihood have many great ones. I am only saying that as yet we do not know what those effects are; that the great evident change since 1865 is certainly not strictly due to it,

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probably is not even in a principal measure due to it; that we have still to conjecture what it will cause and what it will not cause.

The principal question arises most naturally from a main doctrine of these essays. I have said that cabinet government was possible in England because England was a deferential country. I meant that the nominal constituency was not the real constituency; that the mass of the "ten-pound" householders did not really form their own opinions, and did not exact of their representatives an obedience to those opinions; that they were in fact guided in their judgment by the better educated classes; that they preferred representatives from those classes, and gave those representatives much license. If a hundred small shopkeepers had by miracle been added to any of the '32 Parliaments, they would have felt outcasts there. Nothing could be more unlike those Parliaments than the average mass of the constituency from which it was chosen.

I do not of course mean that the ten-pound householders were great admirers of intellect or good judges of refinement: we all know that for the most part they were not so at all,—very few Englishmen are. They were not influenced by ideas, but by facts; not by things impalpable, but by things palpable. Not to put too fine a point upon it, they were influenced by rank and wealth. No doubt the better sort of them believed that those who were superior to them in these indisputable respects were superior also in the more intangible qualities of sense and knowledge; but the mass of the old electors did not analyze very much. They liked to have one of their "betters" to represent them: if he was rich, they respected him much; and if he was a lord, they liked him the better. The issue put before these electors was, Which of two rich people will you choose? And each of those rich people was put forward by great parties whose notions were the notions of the rich, whose

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plans were their plans. The electors only selected one or two wealthy men to carry out the schemes of one or two wealthy associations.

So fully was this so, that the class to whom the great body of the ten-pound householders belonged — the lower middle class — was above all classes the one most hardly treated in the imposition of the taxes. A small shopkeeper or a clerk who just, and only just, was rich enough to pay income tax, was perhaps the only severely taxed man in the country. He paid the rates, the tea, sugar, tobacco, malt, and spirit taxes, as well as the income tax; but his means were exceedingly small. Curiously enough, the class which in theory was omnipotent was the only class financially ill-treated. Throughout the history of our former Parliaments, the constituency could no more have originated the policy which those Parliaments selected than they could have made the solar system.

As I have endeavored to show in this volume, the deference of the old electors to their betters was the only way in which our old system could be maintained. No doubt, countries can be imagined in which the mass of the electors would be thoroughly competent to form good opinions: approximations to that state happily exist. But such was not the state of the minor English shopkeepers. They were just competent to make a selection between two sets of superior ideas, or rather — for the conceptions of such people are more personal than abstract — between two opposing parties each professing a creed of such ideas; but they could do no more. Their own notions, if they had been cross-examined upon them, would have been found always most confused and often most foolish. They were competent to decide an issue selected by the higher classes, but they were incompetent to do more.

The grave question now is, How far will this peculiar old system continue, and how far will it be altered? I am afraid I must put aside at once the

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idea that it will be altered entirely and altered for the better. I cannot expect that the new class of voters will be at all more able to form sound opinions on complex questions than the old voters. There was indeed an idea — a very prevalent idea when the first edition of this book was published — that there then was an unrepresented class of skilled artisans who could form superior opinions on national matters, and ought to have the means of expressing them. We used to frame elaborate schemes to give them such means. But the Reform Act of 1867 did not stop at skilled labor, — it enfranchised unskilled labor too; and no one will contend that the ordinary workingman who has no special skill, and who is only rated because he has a house, can judge much of intellectual matters. The messenger in an office is not more intelligent than the clerks, not better educated but worse; and yet the messenger is probably a very superior specimen of the newly enfranchised classes. The average can only earn very scanty wages by coarse labor. They have no time to improve themselves, for they are laboring the whole day through; and their early education was so small that in most cases it is dubious whether, even if they had much time, they could use it to good purpose. We have not enfranchised a class less needing to be guided by their betters than the old class; on the contrary, the new class need it more than the old. The real question is, Will they submit to it, will they defer in the same way to wealth and rank, and to the higher qualities of which these are the rough symbols and the common accompaniments?

There is a peculiar difficulty in answering this question. Generally, the debates upon the passing of an Act contain much valuable instruction as to what may be expected of it; but the debates on the Reform Act of 1867 hardly tell anything, — they are taken up with technicalities as to the ratepayers and the compound householder. Nobody in the country

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knew what was being done. I happened at the time to visit a purely agricultural and Conservative county, and I asked the local Tories, "Do you understand this Reform Bill? Do you know that your Conservative Government has brought in a bill far more Radical than any former bill, and that it is very likely to be passed?" The answer I got was, "What stuff you talk! How can it be a Radical Reform Bill? why, *Bright* opposes it!" There was no answering that in a way which a "common jury" could understand. The bill was supported by the *Times* and opposed by Mr. Bright; and therefore the mass of the Conservatives, and of common moderate people without distinction of party, had no conception of the effect. They said it was "London nonsense" if you tried to explain it to them. The nation, indeed, generally looks to the discussions in Parliament to enlighten it as to the effect of bills; but in this case neither party, as a party, could speak out. Many, perhaps most, of the intelligent Conservatives were fearful of the consequences of the proposal; but as it was made by the heads of their own party, they did not like to oppose it, and the discipline of party carried them with it. On the other side, many, probably most, of the intelligent Liberals were in consternation at the bill,—they had been in the habit for years of proposing reform bills, they knew the points of difference between each bill and perceived that this was by far the most sweeping which had ever been proposed by any ministry,—but they were almost all unwilling to say so. They would have offended a large section in their constituencies if they had resisted a Tory bill because it was too democratic: the extreme partisans of democracy would have said, "The enemies of the people have confidence enough in the people to intrust them with this power, but you, a 'Liberal' and a professed friend of the people, have not that confidence; if that is so, we will never vote for you again." Many Radical members who

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had been asking for years for household suffrage were much more surprised than pleased at the near chance of obtaining it: they had asked for it as bargainers ask for the highest possible price, but they never expected to get it. Altogether, the Liberals, or at least the extreme Liberals, were much like a man who has been pushing hard against an opposing door till on a sudden the door opens, the resistance ceases, and he is thrown violently forward. Persons in such an unpleasant predicament can scarcely criticize effectually, and certainly the Liberals did not so criticize. We have had no such previous discussions as should guide our expectations from the Reform Bill, nor such as under ordinary circumstances we should have had.

Nor does the experience of the last election much help us: the circumstances were too exceptional. In the first place, Mr. Gladstone's personal popularity was such as has not been seen since the time of Mr. Pitt, and such as may never be seen again; certainly it will very rarely be seen. A bad speaker is said to have been asked how he got on as a candidate. "Oh," he answered, "when I do not know what to say, I say 'Gladstone,' and then they are sure to cheer, and I have time to think." In fact, that popularity acted as a guide both to constituencies and to members: the candidates only said they would vote with Mr. Gladstone, and the constituencies only chose those who said so. Even the minority could only be described as anti-Gladstone, just as the majority could only be described as pro-Gladstone. The remains, too, of the old electoral organization were exceedingly powerful: the old voters voted as they had been told, and the new voters mostly voted with them; in extremely few cases was there any new and contrary organization. At the last election the trial of the new system hardly began, and as far as it did begin it was favored by a peculiar guidance.

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In the mean time our statesmen have the greatest opportunities they have had for many years, and likewise the greatest duty. They have to guide the new voters in the exercise of the franchise; to guide them quietly, and without saying what they are doing, but still to guide them. The leading statesmen in a free country have great momentary power. They settle the conversation of mankind: it is they who, by a great speech or two, determine what shall be said and what shall be written for long after. They, in conjunction with their counselors, settle the programme of their party; the "platform," as the Americans call it, on which they and those associated with them are to take their stand for the political campaign. It is by that programme, by a comparison of the programmes of different statesmen, that the world forms its judgment. The common, ordinary mind is quite unfit to fix for itself what political question it shall attend to: it is as much as it can do to judge decently of the questions which drift down to it and are brought before it; it almost never settles its topics, it can only decide upon the issues of those topics. And in settling what these questions shall be, statesmen have now especially a great responsibility. If they raise questions which will excite the lower orders of mankind; if they raise questions on which those orders are likely to be wrong; if they raise questions on which the interest of those orders is not identical with, or is antagonistic to, the whole interest of the state, — they will have done the greatest harm they can do. The future of this country depends on the happy working of a delicate experiment, and they will have done all they could to vitiate that experiment. Just when it is desirable that ignorant men, new to politics, should have good issues and only good issues put before them, these statesmen will have suggested bad issues. They will have suggested topics which will bind the poor as a class together; topics which will excite

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them against the rich; topics the discussion of which, in the only form in which that discussion reaches their ear, will be to make them think that some new law can make them comfortable, that it is the present law which makes them uncomfortable, that government has at its disposal an inexhaustible fund out of which it can give to those who now want without also creating elsewhere other and greater wants. If the first work of the poor voters is to try to create a "poor-man's Paradise," as poor men are apt to fancy that Paradise, and as they are apt to think they can create it, the great political trial now beginning will simply fail. The wide gift of the elective franchise will be a great calamity to the whole nation, and to those who gain it as great a calamity as to any.

I do not, of course, mean that statesmen can choose with absolute freedom what topics they will deal with, and what they will not. I am, of course, aware that they choose under stringent conditions. In excited states of the public mind they have scarcely a discretion at all; the tendency of the public perturbation determines what shall and what shall not be dealt with. But upon the other hand, in quiet times statesmen have great power; when there is no fire lighted they can settle what fire shall be lit. And as the new suffrage is happily to be tried in a quiet time, the responsibility of our statesmen is great because their power is great too.

And the mode in which the questions dealt with are discussed is almost as important as the selection of these questions. It is for our principal statesmen to lead the public, and not to let the public lead them. No doubt when statesmen live by public favor, as ours do, this is a hard saying, and it requires to be carefully limited. I do not mean that our statesmen should assume a pedantic and doctrinaire tone with the English people: if there is anything which English people thoroughly detest, it

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is that tone exactly. And they are right in detesting it: if a man cannot give guidance and communicate instruction without formally telling his audience "I am better than you; I have studied this as you have not," then he is not fit for a guide or an instructor. A statesman who should show that *gaucherie* would exhibit a defect of imagination, and expose an incapacity for dealing with men, which would be a great hindrance to him in his calling. But much argument is not required to guide the public, still less a formal exposition of that argument. What is mostly needed is the manly utterance of clear conclusions; if a statesman gives these in a felicitous way (and if with a few light and humorous illustrations, so much the better), he has done his part. He will have given the text, the scribes in the newspapers will write the sermon. A statesman ought to show his own nature, and talk in a palpable way what is to him important truth; and so he will both guide and benefit the nation. But if, especially at a time when great ignorance has an unusual power in public affairs, he chooses to accept and reiterate the decisions of that ignorance, he is only the hireling of the nation, and does little save hurt it.

I shall be told that this is very obvious, and that everybody knows that two and two make four and that there is no use in inculcating it. But I answer that the lesson is not observed in fact; people do not do their political sums so. Of all our political dangers, the greatest, I conceive, is that they will neglect the lesson. In plain English, what I fear is that both our political parties will bid for the support of the workingman; that both of them will promise to do as he likes if he will only tell them what it is; that as he now holds the casting vote in our affairs, both parties will beg and pray him to give that vote to them. I can conceive of nothing more corrupting or worse for a set of poor ignorant people than that two combinations of well-taught and rich men should

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constantly offer to defer to their decision, and compete for the office of executing it. *Vox populi* will be *vox diaboli* if it is worked in that manner.

And on the other hand, my imagination conjures up a contrary danger. I can conceive that, questions *being* raised which if continually agitated would combine the workingmen as a class together, the higher orders might have to consider whether they would concede the measure that would settle such questions, or whether they would risk the effect of the workingmen's combination. No doubt the question cannot be easily discussed in the abstract; much must depend on the nature of the measures in each particular case: on the evil they would cause if conceded; on the attractiveness of their idea to the working classes if refused. But in all cases it must be remembered that a political combination of the lower classes, as such and for their own objects, is an evil of the first magnitude; that a permanent combination of them would make them (now that so many of them have the suffrage) supreme in the country; and that their supremacy, in the state they now are, means the supremacy of ignorance over instruction and of numbers over knowledge. So long as they are not taught to act together, there is a chance of this being averted; and it can only be averted by the greatest wisdom and the greatest foresight in the higher classes. They must avoid not only every evil, but every appearance of evil; while they have still the power, they must remove not only every actual grievance, but where it is possible every seeming grievance too; they must willingly concede every claim which they can safely concede, in order that they may not have to concede unwillingly some claim which would impair the safety of the country.

This advice, too, will be said to be obvious; but I have the greatest fear that when the time comes, it will be cast aside as timid and cowardly. So strong are the combative propensities of man that he would

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rather fight a losing battle than not fight at all. It is most difficult to persuade people that by fighting they may strengthen the enemy, yet that would be so here; since a losing battle — especially a long and well-fought one — would have thoroughly taught the lower orders to combine, and would have left the higher orders face to face with an irritated, organized, and superior voting power. The courage which strengthens an enemy, and which so loses not only the present battle but many after battles, is a heavy curse to men and nations.

In one minor respect, indeed, I think we may see with distinctness the effect of the Reform Bill of 1867. I think it has completed one change which the Act of 1832 began: it has completed the change which that Act made in the relation of the House of Lords to the House of Commons. As I have endeavored in this book to explain, the literary theory of the English Constitution is on this point quite wrong, as usual. According to that theory, the two Houses are two branches of the legislature, perfectly equal and perfectly distinct. But before the Act of 1832 they were not so distinct: there was a very large and a very strong common element. By their commanding influence in many boroughs and counties, the Lords nominated a considerable part of the Commons; the majority of the other part were the richer gentry,—men in most respects like the Lords, and sympathizing with the Lords. Under the Constitution as it then was, the two Houses were not in their essence distinct, they were in their essence similar; they were in the main not Houses of contrasted origin, but Houses of like origin: the predominant part of both was taken from the same class,—from the English gentry, titled and untitled. By the Act of 1832 this was much altered. The aristocracy and the gentry lost their predominance in the House of Commons; that predominance passed to the middle class. The two Houses then became distinct, but then they

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ceased to be coequal. The Duke of Wellington, in a most remarkable paper, has explained what pains he took to induce the Lords to submit to their new position, and to submit, time after time, their will to the will of the Commons.

The Reform Act of 1867 has, I think, unmistakably completed the effect which the Act of 1832 began but left unfinished. The middle-class element has gained greatly by the second change, and the aristocratic element has lost greatly. If you examine carefully the lists of members, especially of the most prominent members, of either side of the House, you will not find that they are in general aristocratic names. Considering the power and position of the titled aristocracy, you will perhaps be astonished at the small degree in which it contributes to the active part of our governing assembly. The spirit of our present House of Commons is plutocratic, not aristocratic: its most prominent statesmen are not men of ancient descent or of great hereditary estate; they are men mostly of substantial means, but they are mostly, too, connected more or less closely with the new trading wealth. The spirit of the two assemblies has become far more contrasted than it ever was.

The full effect of the Reform Act of 1832 was indeed postponed by the cause which I mentioned just now: the statesmen who worked the system which was put up had themselves been educated under the system which was pulled down. Strangely enough, their predominant guidance lasted as long as the system which they created: Lord Palmerston, Lord Russell, Lord Derby died or else lost their influence within a year or two of 1867. The complete consequences of the Act of 1832 upon the House of Lords could not be seen while the Commons were subject to such aristocratic guidance. Much of the change which might have been expected from the Act of 1832 was held in suspense, and did not begin till that

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measure had been followed by another of similar and greater power.

The work which the Duke of Wellington in part performed has now, therefore, to be completed also. He met the half-difficulty; we have to surmount the whole one. We have to frame such tacit rules, to establish such ruling but unenacted customs, as will make the House of Lords yield to the Commons when and as often as our new Constitution requires that it should yield. I shall be asked, How often is that, and what is the test by which you know it?

I answer that the House of Lords must yield whenever the opinion of the Commons is also the opinion of the nation, and when it is clear that the nation has made up its mind. Whether or not the nation has made up its mind is a question to be decided by all the circumstances of the case, and in the common way in which all practical questions are decided. There are some people who lay down a sort of mechanical test: they say the House of Lords should be at liberty to reject a measure passed by the Commons once or more, and then if the Commons send it up again and again, infer that the nation is determined. But no important practical question in real life can be uniformly settled by a fixed and formal rule in this way. This rule would prove that the Lords might have rejected the Reform Act of 1832. Whenever the nation was both excited and determined, such a rule would be an acute and dangerous political poison: it would teach the House of Lords that it might shut its eyes to all the facts of real life, and decide simply by an abstract formula. If in 1832 the Lords had so acted, there would have been a revolution. Undoubtedly there is a general truth in the rule: whether a bill has come up once only, or whether it has come up several times, is one important fact in judging whether the nation is determined to have that measure enacted; it is an indication: but it is only one of the indications,—

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there are others equally decisive. The unanimous voice of the people may be so strong, and may be conveyed through so many organs, that it may be assumed to be lasting.

Englishmen are so very miscellaneous, that that which has *really* convinced a great and varied majority of them for the present may fairly be assumed to be likely to continue permanently to convince them. One sort might easily fall into a temporary and erroneous fanaticism, but all sorts simultaneously are very unlikely to do so.

I should venture so far as to lay down for an approximate rule that the House of Lords ought, on a first-class subject, to be slow—very slow—in rejecting a bill passed even once by a large majority of the House of Commons. I would not, of course, lay this down as an unvarying rule: as I have said, I have for practical purposes no belief in unvarying rules. Majorities may be either genuine or fictitious; and if they are not genuine, if they do not embody the opinion of the representative as well as the opinion of the constituency, no one would wish to have any attention paid to them. But if the opinion of the nation be strong and be universal,—if it be really believed by members of Parliament as well as by those who send them to Parliament,—in my judgment the Lords should yield at once, and should not resist it.

My main reason is one which has not been much urged. As a theoretical writer I can venture to say —what no elected member of Parliament, Conservative or Liberal, can venture to say—that I am exceedingly afraid of the ignorant multitude of the new constituencies. I wish to have as great and as compact a power as possible to resist it. But a dissension between the Lords and Commons divides that resisting power. As I have explained, the House of Commons still mainly represents the plutocracy, the Lords represent the aristocracy. The main interest

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of both these classes is now identical, which is to prevent or to mitigate the rule of uneducated members. But to prevent it effectually, they must not quarrel among themselves; they must not bid one against the other for the aid of their common opponent. And this is precisely the effect of a division between Lords and Commons. The two great bodies of the educated rich go to the constituencies to decide between them, and the majority of the constituencies now consist of the uneducated poor. This cannot be for the advantage of any one.

In doing so, besides, the aristocracy forfeit their natural position,—that by which they would gain most power, and in which they would do most good. They ought to be the heads of the plutocracy. In all countries new wealth is ready to worship old wealth, if old wealth will only let it; and I need not say that in England new wealth is eager in its worship. Satirist after satirist has told us how quick, how willing, how anxious are the newly made rich to associate with the ancient rich. Rank probably in no country whatever has so much "market" value as it has in England just now. Of course there have been many countries in which certain old families, whether rich or poor, were worshiped by whole populations with a more intense and poetic homage; but I doubt if there has ever been any in which all old families and all titled families received more ready observance from those who were their equals—perhaps their superiors—in wealth, their equals in culture, and their inferiors only in descent and rank. The possessors of the "material" distinctions of life, as a political economist would class them, rush to worship those who possess the *im*material distinctions. Nothing can be more politically useful than such homage, if it be skillfully used; no folly can be idler than to repel and reject it.

The worship is the more politically important because it is the worship of the political superior for

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the political inferior. At an election the non-titled are much more powerful than the titled. Certain individual peers have, from their great possessions, great electioneering influence; but as a whole, the House of Peers is not a principal electioneering force, —it has so many poor men inside it, and so many rich men outside it, that its electioneering value is impaired. Besides, it is in the nature of the curious influence of rank to work much more on men singly than on men collectively; it is an influence which most men — at least most Englishmen — feel very much, but of which most Englishmen are somewhat ashamed. Accordingly, when any number of men are collected together, each of whom worships rank in his heart, the whole body will patiently hear — in many cases will cheer and approve — some rather strong speeches against rank. Each man is a little afraid that his "sneaking kindness for a lord," as Mr. Gladstone put it, will be found out; he is not sure how far that weakness is shared by those around him. And thus Englishmen easily find themselves committed to anti-aristocratic sentiments which are the direct opposite of their real feeling, and their collective action may be bitterly hostile to rank while the secret sentiment of each separately is especially favorable to rank. In 1832 the close boroughs, which were largely held by peers and were still more largely supposed to be held by them, were swept away with a tumult of delight; and in another similar time of great excitement the Lords themselves, if they deserve it, might pass away. The democratic passions gain by fomenting a diffused excitement, and by massing men in concourses; the aristocratic sentiments gain by calm and quiet, and act most on men by themselves, in their families, and when female influence is not absent. The overt electioneering power of the Lords does not at all equal its real social power. The English plutocracy, as is often said of something yet coarser, must be "humored,

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not drove": they may easily be impelled against the aristocracy, though they respect it very much; and as they are much stronger than the aristocracy, they might, if angered, even destroy it,—though in order to destroy it, they must help to arouse a wild excitement among the ignorant poor, which if once roused may not be easily calmed, and which may be fatal to far more than its beginners intend.

This is the explanation of the anomaly which puzzles many clever Lords. They think, if they do not say, "Why are we pinned up here? Why are we not in the Commons, where we could have so much more power? Why is this nominal rank given us, at the price of substantial influence? If we prefer real weight to unreal prestige, why may we not have it?" The reply is, that the whole body of the Lords have an incalculably greater influence over society while there is still a House of Lords than they would have if the House of Lords were abolished; and that though one or two clever young peers might do better in the Commons, the whole order of peers, young and old, clever and not clever, is much better where it is. The selfish instinct of the mass of peers on this point is a keener and more exact judge of the real world than the fine intelligence of one or two of them.

If the House of Peers ever goes, it will go in a storm, and the storm will not leave all else as it is. It will not destroy the House of Peers and leave the rich young peers, with their wealth and their titles, to sit in the Commons. It would probably sweep all titles before it,—at least all legal titles,—and somehow or other it would break up the curious system by which the estates of great families all go to the eldest son. That system is a very artificial one; you may make a fine argument for it, but you cannot make a loud argument, an argument which would reach and rule the multitude. The thing looks like injustice, and in a time of popular passion it would

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not stand.* Much short of the compulsory equal division of the Code Napoleon, stringent clauses might be provided to obstruct and prevent these great aggregations of property. Few things, certainly, are less likely than a violent tempest like this to destroy large and hereditary estates; but then, too, few things are less likely than an outbreak to destroy the House of Lords: my point is, that a catastrophe which levels one will not spare the other.

I conceive, therefore, that the great power of the House of Lords should be exercised very timidly and very cautiously. For the sake of keeping the headship of the plutocracy, and through that of the nation, they should not offend the plutocracy: the points upon which they have to yield are mostly very minor ones, and they should yield many great points rather than risk the bottom of their power. They should give large donations out of income if by so doing they keep, as they would keep, their capital intact. The Duke of Wellington guided the House of Lords in this manner for years, and nothing could prosper better for them or for the country; and the Lords have only to go back to the good path in which he directed them.

The events of 1870 caused much discussion upon life peerages; and we have gained this great step, that whereas the former leader of the Tory party in the Lords — Lord Lyndhurst — defeated the last proposal to make life peers, Lord Derby when leader of that party desired to create them. As I have given in this book what seemed to me good reasons for making them, I need not repeat those reasons here; I need only say how the notion stands in my judgment now.

I cannot look on life peerages in the way in which some of their strongest advocates regard them; I cannot think of them as a mode in which a permanent opposition or a contrast between the Houses

* See Prof. Thorold Rogers's "Work and Wages," pp. 51, 52, 291 *et seq.*

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of Lords and Commons is to be remedied. To be effectual in that way, life peerages must be very numerous. Now, the House of Lords will never consent to a very numerous life peerage without a storm; they must be in terror to do it, or they will not do it. And if the storm blows strongly enough to do so much, in all likelihood it will blow strongly enough to do much more. If the revolution is powerful enough and eager enough to make an immense number of life peers, probably it will sweep away the hereditary principle in the upper chamber entirely. Of course one may fancy it to be otherwise: we may conceive of a political storm just going to a life-peerage limit, and then stopping suddenly. But in politics we must not trouble ourselves with exceedingly exceptional accidents: it is quite difficult enough to count on and provide for the regular and plain probabilities. To speak mathematically, we may easily miss the permanent course of the political curve if we engross our minds with its cusps and conjugate points.

Nor, on the other hand, can I sympathize with the objection to life peerages which some of the Radical party take and feel. They think it will strengthen the Lords, and so make them better able to oppose the Commons; they think, if they do not say, "The House of Lords is our enemy and that of all Liberals; happily, the mass of it is not intellectual: a few clever men are born there, which we cannot help, but we will not 'vaccinate' it with genius,—we will not put in a set of clever men for their lives, who may as likely as not turn against us." This objection assumes that clever peers are just as likely to oppose the Commons as stupid peers; but this I deny. Most clever men who are in such a good place as the House of Lords plainly is, will be very unwilling to lose it if they can help it; at the clear call of a great duty they might lose it, but only at such a call. And it does not take a clever man to

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see that systematic opposition of the Commons is the only thing which can endanger the Lords, or which will make an individual peer cease to be a peer. The greater you make the *sense* of the Lords, the more they will see that their plain interest is to make friends of the plutocracy and to be the chiefs of it, and not to wish to oppose the Commons where that plutocracy rules.

It is true that a completely new House of Lords, mainly composed of men of ability selected because they were able, might very likely attempt to make ability the predominant power in the state, and to rival if not conquer the House of Commons, where the standard of intelligence is not much above the common English average. But in the present English world such a House of Lords would soon lose all influence. People would say it was "too clever by half," and in an Englishman's mouth that means a very severe censure. The English people would think it grossly anomalous if their elected assembly of rich men were thwarted by a nominated assembly of talkers and writers. Sensible men of substantial means are what we wish to be ruled by, and a peerage of genius would not compare with it in power.

It is true, too, that at present some of the cleverest peers are not so ready as some others to agree with the Commons. But it is not unnatural that persons of high rank and of great ability should be unwilling to bend to persons of lower rank and of certainly not greater ability. A few of such peers (for they are very few) might say, "We had rather not have our peerage if we are to buy it at the price of yielding;" but a life peer, who had fought his way up to the peers, would never think so. Young men who are born to rank may risk it, not middle-aged or old men who have earned their rank. A moderate number of life peers would almost always counsel moderation to the Lords, and would almost always be right in counseling it.

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Recent discussions have also brought into curious prominence another part of the Constitution. I said in this book that it would very much surprise people if they were only told how many things the Queen could do without consulting Parliament, and it certainly has so proved; for when the Queen abolished purchase in the army by an act of prerogative (after the Lords had rejected the bill for doing so), there was a great and general astonishment. But this is nothing to what the Queen can by law do without consulting Parliament. Not to mention other things, she could disband the army (by law she cannot engage more than a certain number of men, but she is not obliged to engage any men); she could dismiss all the officers, from the general commanding in chief downwards; she could dismiss all the sailors too; she could sell off all our ships of war and all our naval stores; she could make a peace by the sacrifice of Cornwall, and begin a war for the conquest of Brittany. She could make every citizen in the United Kingdom, male or female, a peer; she could make every parish in the United Kingdom a "university"; she could dismiss most of the civil servants; she could pardon all offenders. In a word, the Queen could by prerogative upset all the action of civil government within the government, could disgrace the nation by a bad war or peace, and could, by disbanding our forces, whether land or sea, leave us defenseless against foreign nations. Why do we not fear that she would do this, or any approach to it?

Because there are two checks,—one ancient and coarse, the other modern and delicate. The first is the check of impeachment. Any minister who advised the Queen so to use her prerogative as to endanger the safety of the realm might be impeached for high treason, and would be so. Such a minister would, in our technical law, be said to have levied or aided to levy "war against the Queen." This counsel to her so to use her prerogative would by the

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judge be declared to be an act of violence against herself, and in that peculiar but effectual way the offender could be condemned and executed. Against all gross excesses of the prerogative this is a sufficient protection. But it would be no protection against minor mistakes; any error of judgment committed *bona fide*, and only entailing consequences which one person might say were good and another say were bad, could not be so punished. It would be possible to impeach any minister who disbanded the Queen's army, and it would be done for certain. But suppose a minister were to reduce the army or the navy much below the contemplated strength; suppose he were only to spend upon them one-third of the amount which Parliament had permitted him to spend; suppose a minister of Lord Palmerston's principles were suddenly and while in office converted to the principles of Mr. Bright and Mr. Cobden, and were to act on those principles,—he could not be impeached. The law of treason neither could nor ought to be enforced against an act which was an error of judgment, not of intention; which was in good faith intended not to impair the well-being of the state, but to promote and augment it. Against such misuses of the prerogative our remedy is a change of ministry; and in general this works very well,—every minister looks long before he incurs that penalty, and no one incurs it wantonly. But nevertheless, there are two defects in it. The first is that it may not be a remedy at all: it may be only a punishment. A minister may risk his dismissal; he may do some act difficult to undo: and then all which may be left will be to remove and censure him. And the second is that it is only one House of Parliament which has much to say to this remedy, such as it is: the House of Commons only can remove a minister by a vote of censure. Most of the ministries for thirty years have never possessed the confidence of the Lords, and in such cases a vote of

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censure by the Lords could therefore have but little weight; it would be simply the particular expression of a general political disapproval. It would be like a vote of censure on a Liberal Government by the Carlton, or on a Tory Government by the Reform Club. And in no case has an adverse vote by the Lords the same decisive effect as a vote of the Commons: the lower House is the ruling and the choosing House, and if a Government really possesses that, it thoroughly possesses nine-tenths of what it requires. The support of the Lords is an aid and a luxury; that of the Commons is a strict and indispensable necessary.

These difficulties are particularly raised by questions of foreign policy. On most domestic subjects, either custom or legislation has limited the use of the prerogative. The mode of governing the country according to the existing laws is mostly worn into a rut, and most administrations move in it because it is easier to move there than anywhere else. Most political crises — the decisive votes, which determine the fate of Government — are generally either on questions of foreign policy or of new laws; and the questions of foreign policy come out generally in this way, — that the Government has already done something, and that it is for the one part of the legislature alone — for the House of Commons, and not for the House of Lords — to say whether they have or have not forfeited their place by the treaty they have made.

I think every one must admit that this is not an arrangement which seems right on the face of it. Treaties are quite as important as most laws; and to require the elaborate assent of representative assemblies to every word of the law, and not to consult them even as to the essence of the treaty, is *prima facie* ludicrous. In the older forms of the English Constitution this may have been quite right: the power was then really lodged in the Crown, and

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because Parliament met very seldom, and for other reasons, it was then necessary that on a multitude of points the Crown should have much more power than is amply sufficient for it at present. But now the real power is not in the sovereign, it is in the Prime Minister and in the Cabinet; that is, in the hands of a committee appointed by Parliament, and of the chairman of that committee. Now, beforehand no one would have ventured to suggest that a committee of Parliament on foreign relations should be able to commit the country to the greatest international obligations without consulting either Parliament or the country. No other select committee has any comparable power; and considering how carefully we have fettered and limited the powers of all other subordinate authorities, our allowing so much discretionary power on matters peculiarly dangerous and peculiarly delicate to rest in the sole charge of one secret committee is exceedingly strange. No doubt it may be beneficial,—many seeming anomalies are so; but at first sight it does not look right.

I confess that I should see no advantage in it if our two chambers were sufficiently homogeneous and sufficiently harmonious. On the contrary, if those two chambers were as they ought to be, I should believe it to be a great defect. If the administration had in both Houses a majority,—not a mechanical majority ready to accept anything, but a fair and reasonable one, predisposed to think the Government right, but not ready to find it to be so in the face of facts and in opposition to whatever might occur,—if a good Government were thus placed, I should think it decidedly better that the agreements of the administration with foreign powers should be submitted to Parliament. They would then receive that which is best for all arrangements of business,—an understanding and sympathizing criticism, but still a criticism. The majority of the legislature, being well disposed to the Government, would not "find" against

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it except it had really committed some big and plain mistake. But if the Government had made such a mistake, certainly the majority of the legislature would find against it. In a country fit for parliamentary institutions, the partisanship of members of the legislature never comes in manifest opposition to the plain interest of the nation; if it did, the nation, being (as are all nations capable of parliamentary institutions) constantly attentive to public affairs, would inflict on them the maximum parliamentary penalty at the next election, and at many future elections. It would break their career. No English majority dare vote for an exceedingly bad treaty; it would rather desert its own leader than insure its own ruin. And an English minority, inheriting a long experience of parliamentary affairs, would not be exceedingly ready to reject a treaty made with a foreign government. The leaders of an English Opposition are very conversant with the schoolboy maxim, "Two can play at that fun." They know that the next time they are in office the same sort of sharp practice may be used against them, and therefore they will not use it. So strong is this predisposition, that not long since, a subordinate member of the Opposition declared that the "front benches" of the two sides of the House — that is, the leaders of the Government and the leaders of the Opposition — were in constant tacit league to suppress the objections of independent members. And what he said is often quite true. There are often seeming objections which are not real objections, — at least which are in the particular cases outweighed by counter-considerations, — and [which] these "independent members," having no real responsibility, not being likely to be hurt themselves if they make a mistake, are sure to blurt out and to want to act upon: but the responsible heads of the party, who may have to decide similar things or even the same things themselves, will not permit it; they refuse, out of interest as well as out of patriotism, to engage

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the country in a permanent foreign scrape, to secure for themselves and their party a momentary home advantage. Accordingly, a Government which negotiated a treaty would feel that its treaty would be subject certainly to a scrutiny, but still to a candid and a lenient scrutiny; that it would go before judges of whom the majority were favorable, and among whom the most influential part of the minority were in this case much opposed to excessive antagonism. And this seems to be the best position in which negotiators can be placed; namely, that they should be sure to have to account to considerate and fair persons, but not to have to account to inconsiderate and unfair ones.

At present the Government which negotiates a treaty can hardly be said to be accountable to any one. It is sure to be subjected to vague censure. Benjamin Franklin said, "I have never known a peace made, even the most advantageous, that was not censured as inadequate, and the makers condemned as injudicious or corrupt. 'Blessed are the peace-makers' is, I suppose, to be understood in the other world, for in this they are frequently cursed." And this is very often the view taken now in England of treaties. There being nothing practical in the Opposition, nothing likely to hamper them hereafter, the leaders of Opposition are nearly sure to suggest every objection. The thing is done and cannot be undone; and the most natural wish of the Opposition leaders is to prove that if they had been in office, and it therefore had been theirs to do it, they could have done it much better. On the other hand, it is quite possible that there may be no real criticism on a treaty at all; or the treaty has been made by the Government, and as it cannot be unmade by any one, the Opposition may not think it worth while to say much about it. The Government, therefore, is never certain of any criticism; on the contrary, it has a good chance of escaping criticism: but if there be

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any criticism, the Government must expect it to be bitter, sharp, and captious, — made as an irresponsible objector would make it, and not as a responsible statesman, who may have to deal with a difficulty if he make it, and therefore will be cautious how he says anything which may make it.

This is what happens in common cases; and in the uncommon, — the ninety-ninth case in a hundred, — in which the Opposition hope to turn out the Government because of the alleged badness of the treaty they have made, the criticism is sure to be of the most undesirable character, and to say what is most offensive to foreign nations. All the practiced acumen of anti-Government writers and speakers is sure to be engaged in proving that England has been imposed upon: that, as was said in one case, "The moral and the intellectual qualities have been divided"; that "*our* negotiation had the moral, and the negotiation on the other side the intellectual," and so on. The whole pitch of party malice is then expended, because there is nothing to check the party in opposition. The treaty has been made; and though it may be censured, and the party which made it ousted, yet the difficulty it was meant to cure is cured, and the opposing party, if it takes office, will not have that difficulty to deal with.

In abstract theory these defects in our present practice would seem exceedingly great; but in practice they are not so. English statesmen and English parties have really a great patriotism: they can rarely be persuaded even by their passions or their interest to do anything contrary to the real interest of England, or anything which would lower England in the eyes of foreign nations; and they would seriously hurt themselves if they did. But still, these are the real tendencies of our present practice; and these are only prevented by qualities in the nation and qualities in our statesmen which will just as much exist if we change our practice.

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It certainly would be in many ways advantageous to change it. If we required that in some form the assent of Parliament shall be given to such treaties, we should have a real discussion prior to the making of such treaties; we should have the reasons for the treaty plainly stated, and also the reasons against it. At present, as we have seen, the discussion is unreal: the thing is done and cannot be altered; and what is said often ought not to be said because it is captious, and what is not said ought as often to be said because it is material. We should have a manlier and plainer way of dealing with foreign policy if ministers were obliged to explain clearly their foreign contracts before they were valid, just as they have to explain their domestic proposals before they can become laws.

The objections to this are, as far as I know, three, and three only.

First, that it would not be always desirable for ministers to state clearly the motives which induced them to agree to foreign compacts. "Treaties," it is said, "are in one great respect different from laws: they concern not only the Government which binds, the nation so bound, but a third party too,—a foreign country; and the feelings of that country are to be considered as well as our own. And that foreign country will probably in the present state of the world be a despotic one, where discussion is not practiced, where it is not understood, where the expressions of different speakers are not accurately weighed, where undue offense may easily be given." This objection might be easily avoided by requiring that the discussion upon treaties in Parliament, like that discussion in the American Senate, should be in "secret session," and that no report should be published of it; but I should, for my own part, be rather disposed to risk a public debate. Despotic nations now cannot understand England: it is to them an anomaly "chartered by Providence"; they have been

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time out of mind puzzled by its institutions, vexed at its statesmen, and angry at its newspapers. A little more of such perplexity and such vexation does not seem to me a great evil. And if it be meant, as it often is meant, that the whole truth as to treaties cannot be spoken out, I answer, that neither can the whole truth as to laws. All important laws affect large "vested interests"; they touch great sources of political strength: and these great interests require to be treated as delicately, and with as nice a manipulation of language, as the feelings of any foreign country. A parliamentary minister is a man trained by elaborate practice not to blurt out crude things, and an English Parliament is an assembly which particularly dislikes anything *gaûche* or anything imprudent; they would still more dislike it if it hurt themselves and the country as well as the speaker.

I am, too, disposed to deny entirely that there can be any treaty for which adequate reasons cannot be given to the English people, which the English people ought to make. A great deal of the reticence of diplomacy had, I think history shows, much better be spoken out. The worst families are those in which the members never really speak their minds to one another; they maintain an atmosphere of unreality, and every one always lives in an atmosphere of suppressed ill-feeling. It is the same with nations: the parties concerned would almost always be better for hearing the substantial reasons which induced the negotiators to make the treaty; and the negotiators would do their work much better, for half the ambiguities in treaties are caused by the negotiators not liking the fact, or not taking the pains to put their own meaning distinctly before their own minds,—and they would be obliged to make it plain if they had to defend it and argue on it before a great assembly.

Secondly, it may be objected to the change suggested, that Parliament is not always sitting; and that if treaties required its assent, it might have to

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be sometimes summoned out of season, or the treaties would have to be delayed. And this is as far as it goes a just objection; but I do not imagine that it goes far. The great bulk of treaties could wait a little without harm; and in the very few cases when urgent haste is necessary, an autumn session of Parliament could well be justified, for the occasion must be of grave and critical importance.

Thirdly, it may be said that if we required the consent of both Houses of Parliament to foreign treaties before they were valid, we should much augment the power of the House of Lords. And this is also, I think, a just objection as far as it goes. The House of Lords, as it cannot turn out the ministry for making treaties, has in no case a decisive weight in foreign policy, though its debates on them are often excellent; and there is a real danger at present in giving it such weight,—they are not under the same guidance as the House of Commons. In the House of Commons, of necessity, the ministry has a majority, and the majority will agree to the treaties the leaders have made if they fairly can; they will not be anxious to disagree with them: but the majority of the House of Lords may always be, and has lately been generally, an Opposition majority, and therefore the treaty may be submitted to critics exactly pledged to opposite views. It might be like submitting the design of an architect known to hold "mediæval principles" to a committee wedded to "classical principles."

Still, upon the whole, I think the augmentation of the power of the peers might be risked without real fear of serious harm. Our present practice, as has been explained, only works because of the good sense of those by whom it is worked; and the new practice would have to rely on a similar good sense and practicality too. The House of Lords must deal with the assent to treaties as they do with the assent to laws; they must defer to the voice of the country and the authority of the Commons, even in cases

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where their own judgment might guide them otherwise. In very vital treaties, probably, being Englishmen, they would be of the same mind as the rest of Englishmen. If in such cases they showed a reluctance to act as the people wished, they would have the same lesson taught them as on vital and exciting questions of domestic legislation: and the case is not so likely to happen, for on these internal and organic questions the interest and the feeling of the peers is often presumably opposed to that of other classes,—they may be anxious not to relinquish the very power which other classes are anxious to acquire; but in foreign policy there is no similar antagonism of interest,—a peer and a non-peer have presumably in that matter the same interest and the same wishes.

Probably, if it were considered to be desirable to give to Parliament a more direct control over questions of foreign policy than it possesses now, the better way would be not to require a formal vote to the treaty, clause by clause: this would entail too much time, and would lead to unnecessary changes in minor details. It would be enough to let the treaty be laid upon the table of both Houses, say for fourteen days, and to acquire validity unless objected to by one House or other before that interval had expired.

II.

This is all which I think I need say on the domestic events which have changed, or suggested changes in, the English Constitution since this book was written. But there are also some foreign events which have illustrated it, and of these I should like to say a few words.

Naturally, the most striking of these illustrative changes comes from France. Since 1789 France has always been trying political experiments, from which others may profit much, though as yet she herself has profited little. She is now trying one singularly

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illustrative of the English Constitution. When the first edition of this book was published, I had great difficulty in persuading many people that it was possible, for a non-monarchical state, for the real chief of the practical executive — the premier, as we should call him — to be nominated and to be removable by the vote of the national assembly. The United States and its copies were the only present and familiar republics, and in these the system was exactly opposite: the executive was there appointed by the people, as the legislature was too. No conspicuous example of any other sort of republic then existed. But now France has given an example: M. Thiers is (with one exception) just the *chef du pouvoir exécutif* that I endeavored more than once in this book to describe. He is appointed by and is removable by the Assembly; he comes down and speaks in it just as our Premier does; he is responsible for managing it just as our Premier is. No one can any longer doubt the possibility of a republic in which the executive and the legislative authorities are united and fixed; no one can assert such union to be the incommunicable attribute of a constitutional monarchy.

But unfortunately, we can as yet only infer from this experiment that such a constitution is possible; we cannot as yet say whether it will be bad or good. The circumstances are very peculiar, and that in three ways.

First, the trial of a specially parliamentary republic, of a republic where parliament appoints the minister, is made in a nation which has, to say the least of it, no peculiar aptitude for parliamentary government; which has possibly a peculiar inaptitude for it. In the last but one of these essays I have tried to describe one of the mental conditions of parliamentary government, which I call "rationality"; by which I do not mean reasoning power, but rather the power of hearing the reasons of others, of comparing them quietly with one's own reasons, and

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then being guided by the result. But a French Assembly is not easy to reason with. Every Assembly is divided into parties and into sections of parties; and in France each party, almost every section of a party, begins not to clamor but to scream, and to scream as only Frenchmen can, as soon as it hears anything which it particularly dislikes. With an assembly in this temper, real discussion is impossible, and parliamentary government is impossible too, because the parliament can neither choose men nor measures. The French Assemblies under the restored monarchy seem to have been quieter,—probably because, being elected from a limited constituency, they did not contain so many sections of opinion; they had fewer irritants and fewer species of irritability. But the Assemblies of the '48 republic were disorderly in the extreme: I saw the last myself, and can certify that steady discussion upon a critical point was not possible in it; there was not an audience willing to hear. The Assembly now sitting at Versailles is undoubtedly also, at times, most tumultuous; and a parliamentary government in which it governs must be under a peculiar difficulty, because as a sovereign it is unstable, capricious, and unruly.

The difficulty is the greater because there is no check, or little, from the French nation upon the Assembly. The French, as a nation, do not care for or appreciate parliamentary government. I have endeavored to explain how difficult it is for inexperienced mankind to take to such a government; how much more natural—that is, how much more easy to uneducated men—is loyalty to a monarch. A nation which does not expect good from a parliament cannot check or punish a parliament: France expects, I fear, too little from her Parliaments ever to get what she ought. Now that the suffrage is universal, the average intellect and the average culture of the constituent bodies are excessively low, and even such mind and culture as there is has long been enslaved

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to authority: the French peasant cares more for standing well with his present *préfet* than for anything else whatever; he is far too ignorant to check and watch his Parliament, and far too timid to think of doing either if the executive authority nearest to him did not like it. The experiment of a strictly parliamentary republic — of a republic where the parliament appoints the executive — is being tried in France at an extreme disadvantage, because in France a Parliament is unusually likely to be bad, and unusually likely also to be free enough to show its badness.

Secondly, the present polity of France is not a copy of the whole effective part of the British Constitution, but only of a part of it. By our Constitution, nominally the Queen but really the Prime Minister has the power of dissolving the assembly. But M. Thiers has no such power; and therefore under ordinary circumstances, I believe, the policy would soon become unmanageable. The result would be, as I have tried to explain, that the Assembly would be always changing its ministry; that having no reason to fear the penalty which that change so often brings in England, they would be ready to make it once a month. Caprice is the characteristic vice of miscellaneous assemblies, and without some check their selection would be unceasingly mutable. This peculiar danger of the present Constitution of France has, however, been prevented by its peculiar circumstances: the Assembly have not been inclined to remove M. Thiers, because in their lamentable present position they could not replace M. Thiers, — he has a monopoly of the necessary reputation. It is the Empire — the Empire which he always opposed — that has done him this kindness. For twenty years no great political reputation could arise in France: the Emperor governed, and no one member could show a capacity for government. M. Rouher, though of vast real ability, was in the popular idea only the

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Emperor's agent; and even had it been otherwise, M. Rouher, the one great man of Imperialism, could not have been selected as a head of the government at a moment of the greatest reaction against the Empire. Of the chiefs before the twenty years' silence, of the eminent men known to be able to handle parliaments and to govern parliaments, M. Thiers was the only one still physically able to begin again to do so; the miracle is, that at seventy-four even he should still be able. As no other great chief of the Parliament *régime* existed, M. Thiers is not only the best choice, but the only choice: if he were taken away, it would be most difficult to make any other choice, and that difficulty keeps him where he is. At every crisis the Assembly feels that after M. Thiers "the Deluge," and he lives upon that feeling. A change of the President, though legally simple, is in practice all but impossible, because all know that such a change might be a change not only of the President, but of much more too; that very probably it might be a change of the polity, that it might bring in a monarchy or an empire.

Lastly, by a natural consequence of the position, M. Thiers does not govern as a parliamentary premier governs. He is not, he boasts that he is not, the head of a party; on the contrary, being the one person essential to all parties, he selects ministers from all parties, he constructs a Cabinet in which no one minister agrees with any other in anything, and with all the members of which he himself frequently disagrees. The selection is quite in his hand. Ordinarily a parliamentary premier cannot choose,—he is brought in by a party, he is maintained in office by a party: and that party requires that as they aid him, he shall aid them; that as they give him the very best thing in the state, he shall give them the next best things. But M. Thiers is under no such restriction: he can choose as he likes, and does choose. Neither in the selection of his Cabinet nor in

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the management of the Chamber is M. Thiers guided as a similar person in common circumstances would have to be guided. He is the exception of a moment; he is not the example of a lasting condition.

For these reasons, though we may use the present Constitution of France as a useful aid to our imaginations in conceiving of a purely parliamentary republic, of a monarchy *minus* the monarch, we must not think of it as much more. It is too singular in its nature and too peculiar in its accidents to be a guide to anything except itself.

In this essay I have made many remarks on the American Constitution, in comparison with the English; and as to the American Constitution we have had a whole world of experience since I first wrote. My great object was to contrast the office of President as an executive officer, and to compare it with that of a Prime Minister; and I devoted much space to showing that in one principal respect the English system is by far the best. The English Premier being appointed by the selection, and being removable at the pleasure, of the preponderant legislative assembly, is sure to be able to rely on that assembly: if he wants legislation to aid his policy, he can obtain that legislation, he can carry out that policy. But the American President has no similar security: he is elected in one way at one time, and Congress (no matter which house) is elected in another way at another time; the two have nothing to bind them together, and in matter of fact they continually disagree.

This was written in the time of Mr. Lincoln, when Congress, the President, and all the North were united as one man in the war against the South; there was then no patent instance of mere disunion. But between the time when the essays were first written in the *Fortnightly* and their subsequent junction into a book, Mr. Lincoln was assassinated, and Mr. Johnson, the Vice-President, became

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President, and so continued for nearly four years. At such a time the characteristic evils of the presidential system were shown most conspicuously. The President and the assembly, so far from being (as it is essential to good government that they should be) on terms of close union, were not on terms of common courtesy. So far from being capable of a continuous and concerted co-operation, they were all the while trying to thwart one another. He had one plan for the pacification of the South, and they another; they would have nothing to say to his plans, and he vetoed their plans as long as the Constitution permitted, and when they were in spite of him carried, he as far as he could (and this was very much) embarrassed them in action. The quarrel in most countries would have gone beyond the law, and come to blows; even in America, the most law-loving of countries, it went as far as possible within the law. Mr. Johnson described the most popular branch of the legislature — the House of Representatives — as a body "hanging on the verge of government"; and that House impeached him criminally, in the hope that in that way they might get rid of him civilly. Nothing could be so conclusive against the American Constitution, as a constitution, as that incident. A hostile legislature and a hostile executive were so tied together that the legislature tried, and tried in vain, to rid itself of the executive by accusing it of illegal practices; the legislature was so afraid of the President's legal power that it unfairly accused him of acting beyond the law. And the blame thus cast on the American Constitution is so much praise to be given to the American political character: few nations, perhaps scarcely any nation, could have borne such a trial so easily and so perfectly.

This was the most striking instance of disunion between the President and the Congress that has ever yet occurred, and which probably will ever occur. Probably for very many years the United States will

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have great and painful reason to remember, that at the moment of all their history when it was most important to them to collect and concentrate all the strength and wisdom of their policy on the pacification of the South, that policy was divided by a strife in the last degree unseemly and degrading. But it will be for a competent historian hereafter to trace out this accurately and in detail; the time is yet too recent, and I cannot pretend that I know enough to do so. I cannot venture myself to draw the full lessons from these events; I can only predict that when they are drawn, those lessons will be most important and most interesting.

There is, however, one series of events which have happened in America since the beginning of the Civil War, and since the first publication of these essays, on which I should wish to say something in detail; I mean the financial events. These lie within the scope of my peculiar studies, and it is comparatively easy to judge of them; since whatever may be the case with refined statistical reasoning, the great results of money matters speak to and interest all mankind. And every incident in this part of American financial history exemplifies the contrast between a parliamentary and a presidential government.

The distinguishing quality of parliamentary government is, that in each stage of a public transaction there is a discussion; that the public assist at this discussion; that it can, through parliament, turn out an administration which is not doing as it likes, and can put in an administration which will do as it likes. But the characteristic of a presidential government is, in a multitude of cases, that there is no such discussion; that when there is a discussion the fate of Government does not turn upon it, and therefore the people do not attend to it; that upon the whole the administration itself is pretty much doing as it likes, and neglecting as it likes, subject always to the check that it must not too much offend the

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mass of the nation. The nation commonly does not attend: but if by gigantic blunders you make it attend, it will remember it and turn you out when its time comes; it will show you that your power is short, and so on the instant weaken that power; it will make your present life in office unbearable and uncomfortable by the hundred modes in which a free people can, without ceasing, act upon the rulers which it elected yesterday, and will have to reject or re-elect to-morrow.

In finance the most striking effect in America has, on the first view of it, certainly been good: it has enabled the government to obtain and to keep a vast surplus of revenue over expenditure. Even before the Civil War it did this. From 1837 to 1857 Mr. Wells tells us that, strange as it may seem, "There was not a single fiscal year in which the unexpended balance in the national Treasury — derived from various sources — at the end of the year was not in excess of one-half of the total expenditure of the preceding year; while in not a few years the unexpended balance was absolutely greater than the sum of the entire expenditure of the twelve months preceding."* But this history before the war is nothing to what has happened since. The following are the surpluses of revenue over expenditure since the end of the Civil War:—

Year ending June 30.	Surplus.
1866	£5,593,000
1867	21,586,000
1868	4,242,000
1869	7,418,000
1870	18,627,000
1871	16,712,000

No one who knows anything of the working of parliamentary government will for a moment imagine that any parliament would have allowed any executive to keep a surplus of this magnitude. In

*David A. Wells, in "Cobden Club Essays, 1871-2."

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England, after the French war, the Government of that day, which had brought it to a happy end, which had the glory of Waterloo, which was in consequence exceedingly strong, which had besides elements of strength from close boroughs and Treasury influence such as certainly no Government has ever had since, and such perhaps as no Government ever had before,—that Government proposed to keep a moderate surplus and to apply it to the reduction of the debt; but even this the English Parliament would not endure. The administration, with all its power derived both from good and evil, had to yield; the income tax was abolished, with it went the surplus, and with the surplus all chance of any considerable reduction of the debt for that time. In truth, taxation is so painful that in a sensitive community, which has strong organs of expression and action, the maintenance of a great surplus is excessively difficult. The Opposition will always say that it is unnecessary, is uncalled for, is injudicious; the cry will be echoed in every constituency; there will be a series of large meetings in the great cities; even in the smaller constituencies there will mostly be smaller meetings; every member of parliament will be pressed upon by those who elect him; upon this point there will be no distinction between town and country, the country gentleman and the farmer disliking high taxes as much as any in the towns. To maintain a great surplus by heavy taxes to pay off debt has never yet in this country been possible, and to maintain a surplus of the American magnitude would be plainly impossible.

Some part of the difference between England and America arises undoubtedly not from political causes, but from economical. America is not a country sensitive to taxes: no great country has perhaps ever been so unsensitive in this respect; certainly she is far less sensitive than England. In reality America is too rich, daily industry there is too common, too

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skillful, and too productive, for her to care much for fiscal burdens. She is applying all the resources of science and skill and trained labor, which have been in long ages painfully acquired in old countries, to develop with great speed the richest soil and the richest mines of new countries; and the result is untold wealth. Even under a parliamentary government, such a community could and would bear taxation much more easily than Englishmen ever would.

But difference of physical character in this respect is of little moment in comparison with difference of political constitution. If America was under a parliamentary government, she would soon be convinced that in maintaining this great surplus and in paying this high taxation she would be doing herself great harm. She is not performing a great duty, but perpetrating a great injustice: she is injuring posterity by crippling and displacing industry, far more than she is aiding it by reducing the taxes it will have to pay. In the first place, the maintenance of the present high taxation compels the retention of many taxes which are contrary to the maxims of Free Trade. Enormous customs duties are necessary, and it would be all but impossible to impose equal excise duties even if the Americans desired it. In consequence, besides what the Americans pay to the government, they are paying a great deal to some of their own citizens, and so are rearing a set of industries which never ought to have existed, which are bad speculations at present because other industries would have paid better, and which may cause a great loss out of pocket hereafter when the debt is paid off and the fostering tax withdrawn. Then, probably, industry will return to its natural channel, the artificial trade will be first depressed, then discontinued, and the fixed capital employed in the trade will all be depreciated and much of it be worthless. Secondly, all taxes on trade and manufacture are injurious in various ways to them. You

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cannot put on a great series of such duties without cramping trade in a hundred ways and without diminishing their productiveness exceedingly. America is now working in heavy fetters, and it would probably be better for her to lighten those fetters even though a generation or two should have to pay rather higher taxes. Those generations would really benefit, because they would be so much richer that the slightly increased cost of government would never be perceived. At any rate, under a parliamentary government this doctrine would have been incessantly inculcated: a whole party would have made it their business to preach it, would have made incessant small motions in parliament about it, which is the way to popularize their view; and in the end I do not doubt that they would have prevailed. They would have had to teach a lesson both pleasant and true, and such lessons are soon learned. On the whole, therefore, the result of the comparison is, that a presidential government makes it much easier than the parliamentary to maintain a great surplus of income over expenditure, but that it does not give the same facility for examining whether it is good or not good to maintain a surplus, and therefore that it works blindly, maintaining surpluses when they do extreme harm just as much as when they are very beneficial.

In this point the contrast of presidential with parliamentary government is mixed: one of the defects of parliamentary government probably is the difficulty under it of maintaining a surplus revenue to discharge debt; and this defect presidential government escapes, though at the cost of being likely to maintain that surplus upon inexpedient occasions as well [as] upon expedient. But in all other respects a parliamentary government has in finance an unmixed advantage over the presidential in the incessant discussion: though in one single case it produces evil as well as good, in most cases it produces good only;

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and three of these cases are illustrated by recent American experience.

First, as Mr. Goldwin Smith—no unfavorable judge of anything American—justly said some years since, the capital error made by the United States government was the "Legal Tender Act," as it is called, by which it made inconvertible paper notes issued by the Treasury the sole circulating medium of the country. The temptation to do this was very great, because it gave at once a great war fund when it was needed, and with no pain to any one. If the notes of a government supersede the metallic currency medium of a country to the extent of $80,000,000, this is equivalent to a recent loan of $80,000,000 to the government for all purposes within the country. Whenever the precious metals are not required,—and for domestic purposes in such a case they are not required,—notes will buy what the government wants, and it can buy to the extent of its issue. But like all easy expedients out of a great difficulty, it is accompanied by the greatest evils; if it had not been so, it would have been the regular device in such cases, and the difficulty would have been no difficulty at all,—there would have been a known easy way out of it. As is well known, inconvertible paper issued by government is sure to be issued in great quantities, as the American currency soon was; it is sure to be depreciated as against coin; it is sure to disturb values and to derange markets; it is certain to defraud the lender, it is certain to give the borrower more than he ought to have. In the case of America there was a further evil; being a new country, she ought in her times of financial want to borrow of old countries; but the old countries were frightened by the probable issue of unlimited inconvertible paper, and they would not lend a shilling. Much more than the mercantile credit of America was thus lost. The great commercial houses in England are the most natural and most effectual conveyers of intelligence

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from other countries to Europe: if they had been financially interested in giving in a sound report as to the progress of the war, a sound report we should have had. But as the Northern States raised no loans in Lombard Street (and could raise none because of their vicious paper money), Lombard Street did not care about them, and England was very imperfectly informed of the progress of the civil struggle; and on the whole matter, which was then new and very complex, England had to judge without having her usual materials for judgment, and (since the guidance of the "city" on political matters is very quietly and imperceptibly given) without knowing she had not those materials.

Of course this error might have been committed, and perhaps would have been committed, under a parliamentary government; but if it had, its effects would ere long have been thoroughly searched into and effectually frustrated. The whole force of the greatest inquiring machine and the greatest discussing machine which the world has ever known would have been directed to this subject. In a year or two the American public would have had it forced upon them in every form till they must have comprehended it. But under the presidential form of government, and owing to the inferior power of generating discussion, the information given to the American people has been imperfect in the extreme; and in consequence, after nearly ten years of painful experience they do not now understand how much they have suffered from their inconvertible currency.

But the mode in which the presidential government of America managed its taxation during the Civil War is even a more striking example of its defects. Mr. Wells tells us [ibid.]:—

"In the outset all direct or internal taxation was avoided; there having been apparently an apprehension on the part of Congress that inasmuch as the people had never been accustomed to it, and

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as all machinery for assessment and collection was wholly wanting, its adoption would create discontent, and thereby interfere with a vigorous prosecution of hostilities. Congress, therefore, accordingly confined itself at first to the enactment of measures looking to an increase of revenue from the increase of indirect taxes upon imports; and it was not until four months after the actual outbreak of hostilities that a direct tax of $20,000,000 per annum was apportioned among the States, and an income tax of 3 per cent. on the excess of all incomes over $800 was provided for; the first being made to take effect practically eight, and the second ten months after date of enactment. Such laws, of course, took effect and became immediately operative in the loyal States only, and produced but comparatively little revenue; and although the range of taxation was soon extended, the whole receipts from all sources by the government for the second year of the war, from excise, income, stamp, and all other internal taxes, were less than $42,000,000, — and that, too, at a time when the expenditures were in excess of $60,000,000 per month, or at the rate of over $700,000,000 per annum. And as showing how novel was this whole subject of direct and internal taxation to the people, and how completely the government officials were lacking in all experience in respect to it, the following incident may be noted: — The Secretary of the Treasury, in his report for 1863, stated that with a view of determining his resources he employed a very competent person, with the aid of practical men, to estimate the probable amount of revenue to be derived from each department of internal taxation for the previous year: the estimate arrived at was $85,000,000, but the actual receipts were only $37,000,000."

Now, no doubt this might have happened under a parliamentary government: but then, many members of parliament, the entire Opposition in parliament, would have been active to unravel the matter; all the principles of finance would have been worked and propounded. The light would have come from above, not from below; it would have come from parliament to the nation instead of from the nation to parliament. But exactly the reverse happened in America. Mr. Wells goes on to say: —

"The people of the loyal States were, however, more determined and in earnest in respect to this matter of taxation than were their rulers; and before long the popular discontent at the existing state

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of things was openly manifest. Everywhere the opinion was expressed that taxation in all possible forms should immediately, and to the largest extent, be made effective and imperative; and Congress, spurred up and rightfully relying on public sentiment to sustain their action, at last took up the matter resolutely and in earnest, and devised and inaugurated a system of internal and direct taxation which for its universality and peculiarities has probably no parallel in anything which has heretofore been recorded in civil history, or is likely to be experienced hereafter. The one necessity of the situation was revenue; and to obtain it speedily and in large amounts through taxation, the only principle recognized — if it can be called a principle — was akin to that recommended to the traditionary Irishman on his visit to Donnybrook Fair, 'Wherever you see a head, hit it:' wherever you find an article, a product, a trade, a profession, or a source of income, tax it! And so an edict went forth to this effect, and the people cheerfully submitted. Incomes under $5,000 were taxed 5 per cent., with an exemption of $600 and house rent actually paid; these exemptions being allowed on this ground, — that they represented an amount sufficient at the time to enable a small family to procure the bare necessaries of life, and thus take out from the operation of the law all those who were dependent upon each day's earnings to supply each day's needs. Incomes in excess of $5,000 and not in excess of $10,000 were taxed 2½ per cent. in addition; and incomes over $10,000, 5 per cent. additional, without any allowance or exemptions whatever."

Now, this is all contrary to and worse than what would have happened under a parliamentary government: the delay to tax would not have occurred under it; the movement by the country to get taxation would never have been necessary under it; the excessive taxation accordingly imposed would not have been permitted under it. The last point, I think, I need not labor at length. The evils of a bad tax are quite sure to be pressed upon the ears of parliament in season and out of season; the few persons who have to pay it are thoroughly certain to make themselves heard. The sort of taxation tried in America, that of taxing everything and seeing what everything would yield, could not have been tried under a government delicately and quickly sensitive to public opinion.

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I do not apologize for dwelling at length upon these points, for the subject is one of transcendent importance. The practical choice of first-rate nations is between the presidential government and the parliamentary; no state can be first-rate which has not a government by discussion, and those are the only two existing species of that government. It is between them that a nation which has to choose its government must choose; and nothing, therefore, can be more important than to compare the two, and to decide upon the testimony of experience, and by facts, which of them is the better.

JUNE 29, 1872.

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II.

THE CABINET.

"On all great subjects," says Mr. Mill, "much remains to be said," and of none is this more true than of the English Constitution. The literature which has accumulated upon it is huge; but an observer who looks at the living reality will wonder at the contrast to the paper description. He will see in the life much which is not in the books; and he will not find in the rough practice many refinements of the literary theory.

It was natural — perhaps inevitable — that such an undergrowth of irrelevant ideas should gather round the British Constitution. Language is the tradition of nations: each generation describes what it sees, but it uses words transmitted from the past. When a great entity like the British Constitution has continued in connected outward sameness, but hidden inner change, for many ages, every generation inherits a series of inapt words, of maxims once true but of which the truth is ceasing or has ceased. As a man's family go on muttering in his maturity incorrect phrases derived from a just observation of his early youth, so, in the full activity of a historical constitution, its subjects repeat phrases true in the time of their fathers, and inculcated by those fathers, but now true no longer. Or if I may say so, an ancient and ever-altering constitution is like an old man who still wears with attached fondness clothes in the fashion of his youth: what you see of him is the same; what you do not see is wholly altered.

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There are two descriptions of the English Constitution which have exercised immense influence, but which are erroneous.

First, it is laid down as a principle of the English polity, that in it the legislative, the executive, and the judicial powers are quite divided; that each is intrusted to a separate person or set of persons; that no one of these can at all interfere with the work of the other. There has been much eloquence expended in explaining how the rough genius of the English people, even in the Middle Ages when it was especially rude, carried into life and practice that elaborate division of functions which philosophers had suggested on paper, but which they had hardly hoped to see except on paper.

Secondly, it is insisted that the peculiar excellence of the British Constitution lies in a balanced union of three powers. It is said that the monarchical element, the aristocratic element, and the democratic element have each a share in the supreme sovereignty, and that the assent of all three is necessary to the action of that sovereignty. Kings, Lords, and Commons, by this theory, are alleged to be not only the outward form, but the inner moving essence, the vitality of the Constitution. A great theory, called the theory of "checks and balances," pervades an immense part of political literature, and much of it is collected from or supported by English experience. Monarchy, it is said, has some faults, some bad tendencies, aristocracy others, democracy again others; but England has shown that a government can be constructed in which these evil tendencies exactly check, balance, and destroy one another,—in which a good whole is constructed not simply in spite of, but by means of, the counteracting defects of the constituent parts. Accordingly, it is believed that the principal characteristics of the English Constitution are inapplicable in countries where the materials for a monarchy or an aristocracy do not exist. That Constitution is

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conceived to be the best imaginable use of the political elements which the great majority of states in modern Europe inherited from the mediæval period. It is believed that out of these materials nothing better can be made than the English Constitution; but it is also believed that the essential parts of the English Constitution cannot be made except from these materials. Now, these elements are the accidents of a period and a region; they belong only to one or two centuries in human history, and to a few countries. The United States could not have become monarchical, even if the Constitutional Convention had decreed it, even if the component States had ratified it. The mystic reverence, the religious allegiance, which are essential to a true monarchy, are imaginative sentiments that no legislature can manufacture in any people. These semi-filial feelings in government are inherited just as [are] the true filial feelings in common life. You might as well adopt a father as make a monarchy; the special sentiment belonging to the one is as incapable of voluntary creation as the peculiar affection belonging to the other. If the practical part of the English Constitution could only be made out of a curious accumulation of mediæval materials, its interest would be half historical, and its imitability very confined.

No one can approach to an understanding of the English institutions, or of others which, being the growth of many centuries, exercise a wide sway over mixed populations, unless he divide them into two classes. In such constitutions there are two parts (not indeed separable with microscopic accuracy, for the genius of great affairs abhors nicety of division): first, those which excite and preserve the reverence of the population, — the *dignified* parts, if I may so call them; and next, the *efficient* parts, — those by which it in fact works and rules. There are two great objects which every constitution must attain to be successful, which every old and celebrated one

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must have wonderfully achieved: every constitution must first *gain* authority, and then *use* authority; it must first win the loyalty and confidence of mankind, and then employ that homage in the work of government.

There are indeed practical men who reject the dignified parts of government. They say, We want only to attain results, to do business: a constitution is a collection of political means for political ends; and if you admit that any part of a constitution does no business, or that a simpler machine would do equally well what it does, you admit that this part of the constitution, however dignified or awful it may be, is nevertheless in truth useless. And other reasoners, who distrust this bare philosophy, have propounded subtle arguments to prove that these dignified parts of old governments are cardinal components of the essential apparatus, great pivots of substantial utility; and so they [have] manufactured fallacies which the plainer school have well exposed. But both schools are in error. The dignified parts of government are those which bring it force, which attract its motive power; the efficient parts only employ that power. The comely parts of a government *have* need, for they are those upon which its vital strength depends. They may not do anything definite that a simpler polity would not do better; but they are the preliminaries, the needful prerequisites of *all* work. They raise the army, though they do not win the battle.

Doubtless, if all subjects of the same government only thought of what was useful to them, and if they all thought the same thing useful, and all thought that same thing could be attained in the same way, the efficient members of a constitution would suffice, and no impressive adjuncts would be needed. But the world in which we live is organized far otherwise.

The most strange fact, though the most certain, in nature is the unequal development of the human race. If we look back to the early ages of mankind,

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such as we seem in the faint distance to see them, — if we call up the image of those dismal tribes in lake villages, or on wretched beaches; scarcely equal to the commonest material needs, cutting down trees slowly and painfully with stone tools, hardly resisting the attacks of huge fierce animals; without culture, without leisure, without poetry, almost without thought; destitute of morality, with only a sort of magic for religion, — and if we compare that imagined life with the actual life of Europe now, we are overwhelmed at the wide contrast; we can scarcely conceive ourselves to be of the same race as those in the far distance. There used to be a notion — not so much widely asserted as deeply implanted, rather pervadingly latent than commonly apparent in political philosophy — that in a little while, perhaps ten years or so, all human beings might, without extraordinary appliances, be brought to the same level. But now, when we see by the painful history of mankind at what point we began, by what slow toil, what favorable circumstances, what accumulated achievements, civilized man has become at all worthy in any degree so to call himself, — when we realize the tedium of history and the painfulness of results, — our perceptions are sharpened as to the relative steps of our long and gradual progress. We have in a great community like England crowds of people scarcely more civilized than the majority of two thousand years ago; we have others, even more numerous, such as the best people were a thousand years since. The lower orders, the middle orders, are still, when tried by what is the standard of the educated "ten thousand," narrow-minded, unintelligent, incurious. It is useless to pile up abstract words: those who doubt should go out into their kitchens. Let an accomplished man try what seems to him most obvious, most certain, most palpable in intellectual matters, upon the housemaid and the footman, and he will find that what he says seems unintelligible, confused,

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and erroneous; that his audience think him mad and wild when he is speaking what is in his own sphere of thought the dullest platitude of cautious soberness. Great communities are like great mountains,—they have in them the primary, secondary, and tertiary strata of human progress; the characteristics of the lower regions resemble the life of old times rather than the present life of the higher regions. And a philosophy which does not ceaselessly remember, which does not continually obtrude, the palpable differences of the various parts, will be a theory radically false, because it has omitted a capital reality; will be a theory essentially misleading, because it will lead men to expect what does not exist, and not to anticipate that which they will find.

Every one knows these plain facts, but by no means every one has traced their political importance. When a state is constituted thus, it is not true that the lower classes will be wholly absorbed in the useful; on the contrary, they do not like anything so poor. No orator ever made an impression by appealing to men as to their plainest physical wants, except when he could allege that those wants were caused by some one's tyranny; but thousands have made the greatest impression by appealing to some vague dream of glory or empire or nationality. The ruder sort of men—that is, men at *one* stage of rudeness—will sacrifice all they hope for, all they have, *themselves*, for what is called an idea; for some attraction which seems to transcend reality, which aspires to elevate men by an interest higher, deeper, wider than that of ordinary life. But this order of men are uninterested in the plain, palpable ends of government; they do not prize them; they do not in the least comprehend how they should be attained. It is very natural, therefore, that the most useful parts of the structure of government should by no means be those which excite the most reverence. The elements which excite the most easy reverence will be the *theatrical*

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elements, — those which appeal to the senses, which claim to be embodiments of the greatest human ideas, which boast in some cases of far more than human origin. That which is mystic in its claims; that which is occult in its mode of action; that which is brilliant to the eye; that which is seen vividly for a moment, and then is seen no more; that which is hidden and unhidden; that which is specious and yet interesting, palpable in its seeming and yet professing to be more than palpable in its results, — this, howsoever its form may change, or however we may define it or describe it, is the sort of thing — the only sort — which yet comes home to the mass of men. So far from the dignified parts of a constitution being necessarily the most useful, they are likely, according to outside presumption, to be the least so; for they are likely to be adjusted to the lowest orders — those likely to care least and judge worst about what *is* useful.

There is another reason which, in an old constitution like that of England, is hardly less important. The most intellectual of men are moved quite as much by the circumstances which they are used to as by their own will. The active voluntary part of a man is very small, and if it were not economized by a sleepy kind of habit its results would be null. We could not do every day out of our own heads all we have to do; we should accomplish nothing, for all our energies would be frittered away in minor attempts at petty improvement. One man, too, would go off from the known track in one direction, and one in another; so that when a crisis came requiring massed combination, no two men would be near enough to act together. It is the dull traditional habit of mankind that guides most men's actions, and is the steady frame in which each new artist must set the picture that he paints. And all this traditional part of human nature is, *ex vi termini*, most easily impressed and acted on by that which is handed down. Other things being equal, yesterday's institutions are

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by far the best for to-day: they are the most ready, the most influential, the most easy to get obeyed, the most likely to retain the reverence which they alone inherit and which every other must win. The most imposing institutions of mankind are the oldest; and yet so changing is the world, so fluctuating are its needs, so apt to lose inward force though retaining outward strength are its best instruments, that we must not expect the oldest institutions to be now the most efficient. We must expect what is venerable to acquire influence because of its inherent dignity; but we must not expect it to use that influence so well as new creations apt for the modern world, instinct with its spirit, and fitting closely to its life.

The brief description of the characteristic merit of the English Constitution is, that its dignified parts are very complicated and somewhat imposing, very old and rather venerable; while its efficient part, at least when in great and critical action, is decidedly simple and rather modern. We have made, or rather stumbled on, a constitution which, though full of every species of incidental defect, though of the worst *workmanship* in all out-of-the-way matters of any constitution in the world, yet has two capital merits: it contains a simple efficient part which on occasion, and when wanted, *can* work more simply and easily, and better, than any instrument of government that has yet been tried; and it contains likewise historical, complex, august, theatrical parts which it has inherited from a long past, which *take* the multitude, which guide by an insensible but an omnipotent influence the associations of its subjects. Its essence is strong with the strength of modern simplicity; its exterior is august with the Gothic grandeur of a more imposing age. Its simple essence may, *mutatis mutandis*, be transplanted to many very various countries; but its august outside — what most men think it is — is narrowly confined to nations with an analogous history and similar political materials.

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The efficient secret of the English Constitution may be described as the close union, the nearly complete fusion, of the executive and legislative powers. No doubt by the traditional theory, as it exists in all the books, the goodness of our Constitution consists in the entire separation of the legislative and executive authorities; but in truth its merit consists in their singular approximation. The connecting link is *the Cabinet.* By that new word we mean a committee of the legislative body selected to be the executive body. The legislature has many committees, but this is its greatest. It chooses for this, its main committee, the men in whom it has most confidence. It does not, it is true, choose them directly; but it is nearly omnipotent in choosing them indirectly. A century ago the Crown had a real choice of ministers, though it had no longer a choice in policy. During the long reign of Sir R. Walpole he was obliged not only to manage Parliament, but to manage the palace: he was obliged to take care that some court intrigue did not expel him from his place. The nation then selected the English policy, but the Crown chose the English ministers; they were not only in name as now, but in fact, the [King's or] Queen's servants. Remnants — important remnants — of this great prerogative still remain: the discriminating favor of William IV. made Lord Melbourne head of the Whig party when he was only one of several rivals; at the death of Lord Palmerston it is very likely that the Queen may have the opportunity of freely choosing between two if not three statesmen. But as a rule, the nominal Prime Minister is chosen by the legislature, and the real Prime Minister for most purposes — the leader of the House of Commons — almost without exception is so. There is nearly always some one man plainly selected by the voice of the predominant party in the predominant House of the legislature to head that party, and consequently to rule the nation. We have in England an elective first magistrate as truly as the

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Americans have an elective first magistrate. The Queen is only at the head of the dignified part of the Constitution; the Prime Minister is at the head of the efficient part. The Crown is, according to the saying, the "fountain of honor"; but the Treasury is the spring of business. Nevertheless, our first magistrate differs from the American. He is not elected directly by the people; he is elected by the representatives of the people. He is an example of "double election": the legislature chosen in name to make laws, in fact finds its principal business in making and in keeping an executive.

The leading minister so selected has to choose his associates, but he only chooses among a charmed circle. The position of most men in Parliament forbids their being invited to the Cabinet; the position of a few men insures their being invited. Between the compulsory list whom he must take, and the impossible list whom he cannot take, a Prime Minister's independent choice in the formation of a Cabinet is not very large; it extends rather to the division of the Cabinet offices than to the choice of Cabinet ministers. Parliament and the nation have pretty well settled who shall have the first places; but they have not discriminated with the same accuracy which man shall have which place. The highest patronage of a Prime Minister is of course a considerable power, — though it is exercised under close and imperative restrictions, though it is far less than it seems to be when stated in theory or looked at from a distance.

The Cabinet, in a word, is a board of control chosen by the legislature, out of persons whom it trusts and knows, to rule the nation. The particular mode in which the English ministers are selected; the fiction that they are, in any political sense, the Queen's servants; the rule which limits the choice of the Cabinet to the members of the legislature, — are accidents unessential to its definition, historical incidents separable

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from its nature. Its characteristic is, that it should be chosen by the legislature out of persons agreeable to and trusted by the legislature. Naturally, these are principally its own members; but they need not be exclusively so. A Cabinet which included persons not members of the legislative assembly might still perform all useful duties. Indeed, the peers, who constitute a large element in modern Cabinets, are members nowadays only of a subordinate assembly. The House of Lords still exercises several useful functions; but the ruling influence, the deciding faculty, has passed to what, using the language of old times, we still call the "lower House,"—to an assembly which, though inferior as a dignified institution, is superior as an efficient institution. A principal advantage of the House of Lords in the present age, indeed, consists in its thus acting as a *reservoir* of Cabinet ministers: unless the composition of the House of Commons were improved, or unless the rules requiring Cabinet ministers to be members of the legislature were relaxed, it would undoubtedly be difficult to find, without the Lords, a sufficient supply of chief ministers.

But the detail of the composition of a Cabinet, and the precise method of its choice, are not to the purpose now; the first and cardinal consideration is the definition of a Cabinet. We must not bewilder ourselves with the separable accidents until we know the necessary essence. A Cabinet is a combining committee,—a *hyphen* which joins, a *buckle* which fastens, the legislative part of the state to the executive part of the state. In its origin it belongs to the one, in its functions it belongs to the other.

The most curious point about the Cabinet is, that so very little is known about it. The meetings are not only secret in theory, but secret in reality. By the present practice, no official minute in all ordinary cases is kept of them; even a private note is discouraged and disliked. The House of Commons, even

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in its most inquisitive and turbulent moments, would scarcely permit a note of a Cabinet meeting to be read; no minister who respected the fundamental usages of political practice would attempt to read such a note. The committee which unites the law-making power to the law-executing power — which by virtue of that combination is, while it lasts and holds together, the most powerful body in the state — is a committee wholly secret. No description of it at once graphic and authentic has ever been given. It is said to be sometimes like a rather disorderly board of directors, where many speak and few listen — though no one knows.*

But a Cabinet, though it is a committee of the legislative assembly, is a committee with a power which no assembly would — unless for historical accidents, and after happy experience — have been persuaded to intrust to any committee. It is a committee which can dissolve the assembly which appointed it; it is a committee with a suspensive veto, a committee with a power of appeal. Though appointed by one Parliament, it can appeal if it chooses to the next. Theoretically, indeed, the power to dissolve Parliament is intrusted to the sovereign only, and there are vestiges of doubt whether in *all* cases a sovereign is bound to dissolve Parliament when the Cabinet asks him to do so; but neglecting such small and dubious exceptions, the Cabinet which was chosen by one House of Commons has an appeal to the next House of Commons. The chief committee of the legislature has the power of dissolving the predominant part of that legislature, — that which at a crisis is the supreme legislature. The English system,

* It is *said* that at the end of the Cabinet [session] which agreed to propose a fixed duty on corn, Lord Melbourne put his back to the door, and said, "Now, is it to lower the price of corn, or isn't it? It is not much matter which we say; but mind, we must all say *the same*." This is the most graphic story of a Cabinet I ever heard, but I cannot vouch for its truth. Lord Melbourne's is a character about which men make stories. — B.

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therefore, is not an absorption of the executive power by the legislative power: it is a fusion of the two. Either the Cabinet legislates and acts, or else it can dissolve. It is a creature, but it has the power of destroying its creators. It is an executive which can annihilate the legislature, as well as an executive which is the nominee of the legislature. It *was* made, but it *can* unmake; it was derivative in its origin, but it is destructive in its action.

This fusion of the legislative and executive functions may, to those who have not much considered it, seem but a dry and small matter to be the latent essence and effectual secret of the English Constitution; but we can only judge of its real importance by looking at a few of its principal effects, and contrasting it very shortly with its great competitor, which seems likely, unless care be taken, to outstrip it in the progress of the world. That competitor is the presidential system; the characteristic of it is that the President is elected from the people by one process, and the House of Representatives by another. The independence of the legislative and executive powers is the specific quality of presidential government, just as their fusion and combination is the precise principle of cabinet government.

First, compare the two in quiet times. The essence of a civilized age is, that administration requires the continued aid of legislation. One principal and necessary kind of legislation is *taxation*. The expense of civilized government is continually varying; it must vary if the government does its duty. The miscellaneous estimates of the English Government contain an inevitable medley of changing items. Education, prison discipline, art, science, civil contingencies of a hundred kinds, require more money one year and less another. The expense[s] of defense — the naval and military estimates — vary still more as the danger of attack seems more or less imminent, as the means of retarding such danger become more or less costly.

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If the persons who have to do the work are not the same as those who have to make the laws, there will be a controversy between the two sets of persons; the tax-imposers are sure to quarrel with the tax-requirers. The executive is crippled by not getting the laws it needs, and the legislature is spoiled by having to act without responsibility; the executive becomes unfit for its name, since it cannot execute what it decides on; the legislature is demoralized by liberty, by taking decisions of which others and not itself will suffer the effects.

In America, so much has this difficulty been felt that a semi-connection has grown up between the legislature and the executive. When the Secretary of the Treasury of the federal government wants a tax, he consults upon it with the chairman of the Finance Committee of Congress. He cannot go down to Congress himself and propose what he wants; he can only write a letter and send it. But he tries to get a chairman of the Finance Committee who likes his tax; through that chairman he tries to persuade the committee to recommend such tax; by that committee he tries to induce the House to adopt that tax. But such a chain of communications is liable to continual interruptions; it may suffice for a single tax on a fortunate occasion, but will scarcely pass a complicated budget — we do not say in a war or a rebellion: we are now comparing the cabinet system and the presidential system in quiet times; but — in times of financial difficulty. Two clever men never exactly agreed about a budget. We have by present practice an Indian Chancellor of the Exchequer talking English finance at Calcutta, and an English one talking Indian finance in England; but the figures are never the same, and the views of policy are rarely the same. One most angry controversy has amused the world, and probably others scarcely less interesting are hidden in the copious stores of our Anglo-Indian correspondence.

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But relations something like these must subsist between the head of a finance committee in the legislature, and a finance minister in the executive:* they are sure to quarrel, and the result is sure to satisfy neither. And when the taxes do not yield as they were expected to yield, who is responsible? Very likely the Secretary of the Treasury could not persuade the chairman; very likely the chairman could not persuade his committee; very likely the committee could not persuade the assembly. Whom, then, can you punish — whom can you abolish — when your taxes run short? There is nobody save the legislature, a vast miscellaneous body difficult to punish, and the very persons to inflict the punishment.

Nor is the financial part of administration the only one which requires in a civilized age the constant support and accompaniment of facilitating legislation; all administration does so. In England, on a vital occasion, the Cabinet can compel legislation by the threat of resignation and the threat of dissolution; but neither of these can be used in a presidential state. There the legislature cannot be dissolved by the executive government; and it does not heed a resignation, for it has not to find the successor. Accordingly, when a difference of opinion arises, the legislature is forced to fight the executive and the executive is forced to fight the legislature; and so very likely they contend to the conclusion of their respective terms.† There is indeed one condition of things in which this description, though still approximately true, is nevertheless not exactly true; and that is, when there is nothing to fight about. Before the Rebellion in America, owing to the vast distance of

*It is worth observing that even during the short existence of the Confederate government these evils distinctly showed themselves. Almost the last incident at the Richmond Congress was an angry financial correspondence with Jefferson Davis. — B.

†I leave this passage to stand as it was written, just after the assassination of Mr. Lincoln, and when every one said Mr. Johnson would be very hostile to the South. — B.

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other states and the favorable economical condition of the country, there were very few considerable objects of contention; but if that government had been tried by the English legislation of the last thirty years, the discordant action of the two powers, whose constant co-operation is essential to the best government, would have shown itself much more distinctly.

Nor is this the worst. Cabinet government educates the nation; the presidential does not educate it, and may corrupt it. It has been said that England invented the phrase "Her Majesty's Opposition"; that it was the first government which made a criticism of administration as much a part of the polity as administration itself. This critical opposition is the consequence of cabinet government. The great scene of debate, the great engine of popular instruction and political controversy, is the legislative assembly. A speech there by an eminent statesman, a party movement by a great political combination, are the best means yet known for arousing, enlivening, and teaching a people. The cabinet system insures such debates, for it makes them the means by which statesmen advertise themselves for future and confirm themselves in present governments; it brings forward men eager to speak, and gives them occasions to speak. The deciding catastrophes of cabinet governments are critical divisions preceded by fine discussions. Everything which is worth saying, everything which ought to be said, most certainly *will* be said. Conscientious men think they ought to persuade others; selfish men think they would like to obtrude themselves. The nation is forced to hear two sides — all the sides, perhaps — of that which most concerns it; and it likes to hear, — it is eager to know. Human nature despises long arguments which come to nothing, heavy speeches which precede no motion, abstract disquisitions which leave visible things where they were; but all men heed great results, and a change of government is a great result. It has a

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hundred ramifications; it runs through society; it gives hope to many, and it takes away hope from many. It is one of those marked events, which by its magnitude and its melodrama impress[es] men even too much. And debates which have this catastrophe at the end of them — or may so have it — are sure to be listened to, and sure to sink deep into the national mind.

Travelers even in the Northern States of America, the greatest and best of presidential countries, have noticed that the nation was "not specially addicted to politics"; that they have not a public opinion finished and chastened as that of the English has been finished and chastened. A great many hasty writers have charged this defect on the "Yankee race," on the Anglo-American character; but English people, if they had no motive to attend to politics, certainly would not attend to politics. At present there is *business* in their attention: they assist at the determining crisis; they arrest or help it. Whether the Government will go out or remain is determined by the debate and by the division in Parliament; and the opinion out of doors, the secret pervading disposition of society, has a great influence on that division. The nation feels that its judgment is important, and it strives to judge; it succeeds in deciding because the debates and the discussions give it the facts and the arguments. But under a presidential government a nation has, except at the electing moment, no influence; it has not the ballot-box before it; its virtue is gone, and it must wait till its instant of despotism again returns. It is not incited to form an opinion like a nation under a cabinet government; nor is it instructed like such a nation. There are doubtless debates in the legislature, but they are prologues without a play; there is nothing of a catastrophe about them, — you cannot turn out the Government. The prize of power is not in the gift of the legislature, and no one cares for the legislature. The executive, the great center of power and place, sticks irremovable;

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you cannot change it in any event. The teaching apparatus which has educated our public mind, which prepares our resolutions, which shapes our opinions, does not exist. No presidential country needs to form daily delicate opinions, or is helped in forming them.

It might be thought that the discussions in the press would supply the deficiencies in the constitution; that by a reading people especially, the conduct of their government would be as carefully watched, that their opinions about it would be as consistent, as accurate, as well considered, under a presidential as under a cabinet polity. But the same difficulty oppresses the press which oppresses the legislature: it can *do nothing*. It cannot change the administration: the executive was elected for such and such years, and for such and such years it must last. People wonder that so literary a people as the Americans —a people who read more than any people who ever lived, who read so many newspapers—should have such bad newspapers. The papers are not so good as the English, because they have not the same motive to be good as the English papers. At a political "crisis," as we say,—that is, when the fate of an administration is unfixed, when it depends on a few votes, yet unsettled, upon a wavering and veering opinion,—effective articles in great journals become of essential moment. The *Times* has made many ministries. When, as of late, there has been a long continuance of divided Parliaments, of Governments which were without "brute voting power," and which depended on intellectual strength, the support of the most influential organ of English opinion has been of critical moment. If a Washington newspaper could have turned out Mr. Lincoln, there would have been good writing and fine argument in the Washington newspapers. But the Washington newspapers can no more remove a President during his term of place than the *Times* can remove a Lord Mayor during h s

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year of office. Nobody cares for a debate in Congress which "comes to nothing," and no one reads long articles which have no influence on events. The Americans glance at the heads of news, and through the paper; they do not enter upon a discussion, — they do not *think* of entering upon a discussion which would be useless.

After saying that the division of the legislature and the executive in presidential governments weakens the legislative power, it may seem a contradiction to say that it also weakens the executive power; but it is not a contradiction. The division weakens the whole aggregate force of government, the entire imperial power; and therefore it weakens both its halves. The executive is weakened in a very plain way. In England a strong Cabinet can obtain the concurrence of the legislature in all acts which facilitate its administration, — it is itself, so to say, the legislature; but a president may be hampered by the parliament, and is likely to be hampered. The natural tendency of the members of every legislature is to make themselves conspicuous. They wish to gratify an ambition, laudable or blamable; they wish to promote the measures they think best for the public welfare; they wish to make their *will* felt in great affairs. All these mixed motives urge them to oppose the executive. They are embodying the purposes of others if they aid, they are advancing their own opinions if they defeat; they are first if they vanquish, they are auxiliaries if they support. The weakness of the American executive used to be the great theme of all critics before the Confederate Rebellion. Congress and committees of Congress of course impeded the executive when there was no coercive public sentiment to check and rule them.

But the presidential system not only gives the executive power an antagonist in the legislative power, and so makes it weaker; it also enfeebles it by impairing its intrinsic quality. A cabinet is elected by

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a legislature; and when that legislature is composed of fit persons, that mode of electing the executive is the very best. It is a case of secondary election, under the only conditions in which secondary election is preferable to primary. Generally speaking, in an electioneering country (I mean in a country full of political life, and used to the manipulation of popular institutions), the election of candidates to elect candidates is a farce. The Electoral College of America is so. It was intended that the deputies when assembled should exercise a real discretion, and by independent choice select the President. But the primary electors take too much interest: they only elect a deputy to vote for Mr. Lincoln or Mr. Breckenridge, and the deputy only takes a ticket and drops that ticket in an urn. He never chooses or thinks of choosing; he is but a messenger, a transmitter: the real decision is in those who chose him,—who chose him because they knew what he would do.

It is true that the British House of Commons is subject to the same influences: members are mostly, perhaps, elected because they will vote for a particular ministry, rather than for purely legislative reasons. But—and here is the capital distinction—the functions of the House of Commons are important and *continuous*. It does not, like the Electoral College in the United States, separate when it has elected its ruler: it watches, legislates, seats and unseats ministries, from day to day. Accordingly, it is a *real* electoral body. The Parliament of 1857, which more than any other Parliament of late years was a Parliament elected to support a particular Premier,—which was chosen, as Americans might say, upon the "Palmerston ticket,"—before it had been in existence two years, dethroned Lord Palmerston; though selected in the interest of a particular ministry, it in fact destroyed that ministry.

A *good* Parliament, too, is a capital choosing body. If it is fit to make laws for a country, its majority

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ought to represent the general average intelligence of that country; its various members ought to represent the various special interests, special opinions, special prejudices, to be found in that community. There ought to be an advocate for every particular sect, and a vast neutral body of no sect, — homogeneous and judicial, like the nation itself. Such a body, when possible, is the best selecter of executives that can be imagined. It is full of political activity; it is close to political life; it feels the responsiblity of affairs which are brought as it were to its threshold; it has as much intelligence as the society in question chances to contain. It is, what Washington and Hamilton strove to create, an electoral college of the picked men of the nation.

The best mode of appreciating its advantages is to look at the alternative. The competing constituency is the nation itself, and this is, according to theory and experience, in all but the rarest cases a bad constituency. Mr. Lincoln at his second election, being elected when all the federal States had set their united hearts on one single object, was voluntarily re-elected by an actually choosing nation, — he embodied the object in which every one was absorbed; but this is almost the only presidential election of which so much can be said. In almost all cases the President is chosen by a machinery of caucuses and combinations too complicated to be perfectly known, and too familiar to require description. He is not the choice of the nation, he is the choice of the wire-pullers. A very large constituency in quiet times is the necessary, almost the legitimate, subject of electioneering management: a man cannot know that he does not throw his vote away except he votes as part of some great organization; and if he votes as a part, he abdicates his electoral function in favor of the managers of that association. The nation, even if it chose for itself, would in some degree be an unskilled body: but when it does not choose for itself, but

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only as latent agitators wish, it is like a large lazy man with a small vicious mind,—it moves slowly and heavily, but it moves at the bidding of a bad intention; "it means *little*, but it means that little *ill*."

And as the nation is less able to choose than a parliament, so it has worse people to choose out of. The American legislators of the last century have been much blamed for not permitting the ministers of the President to be members of the assembly; but with reference to the specific end which they had in view, they saw clearly and decided wisely. They wished to keep "the legislative branch absolutely distinct from the executive branch": they believed such a separation to be essential to a good constitution; they believed such a separation to exist in the English, which the wisest of them thought the best constitution. And to the effectual maintenance of such a separation, the exclusion of the President's ministers from the legislature is essential: if they are not excluded they become the executive, they eclipse the President himself. A legislative chamber is greedy and covetous; it acquires as much, it concedes as little as possible. The passions of its members are its rulers; the law-making faculty, the most comprehensive of the imperial faculties, is its instrument; it will *take* the administration if it can take it. Tried by their own aims, the founders of the United States were wise in excluding the ministers from Congress.

But though this exclusion is essential to the presidential system of government, it is not for that reason a small evil. It causes the degradation of public life. Unless a member of the legislature be sure of something more than speech, unless he is incited by the hope of action and chastened by the chance of responsibility, a first-rate man will not care to take the place, and will not do much if he does take it. To belong to a debating society adhering to an executive (and this is no inapt description of a

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congress under a presidential constitution) is not an object to stir a noble ambition, and is a position to encourage idleness. The members of a parliament excluded from office can never be comparable, much less equal, to those of a parliament not excluded from office. The presidential government, by its nature, divides political life into two halves, an executive half and a legislative half; and by so dividing it makes neither half worth a man's having, — worth his making it a continuous career, — worthy to absorb, as cabinet government absorbs, his whole soul. The statesmen from whom a nation chooses under a presidential system are much inferior to those from whom it chooses under a cabinet system, while the selecting apparatus is also far less discerning.

All these differences are more important at critical periods, because government itself is more important. A formed public opinion, a respectable, able, and disciplined legislature, a well-chosen executive, a parliament and an administration not thwarting each other but co-operating with each other, are of greater consequence when great affairs are in progress than when small affairs are in progress, when there is much to do than when there is little to do. But in addition to this, a parliamentary or cabinet constitution possesses an additional and special advantage in very dangerous times: it has what we may call a reserve of power fit for and needed by extreme exigencies.

The principle of popular government is that the supreme power, the determining efficacy in matters political, resides in the people; not necessarily or commonly in the whole people, in the numerical majority, but in a *chosen* people, a picked and selected people. It is so in England; it is so in all free countries. Under a cabinet constitution, at a sudden emergency this people can choose a ruler for the occasion. It is quite possible, and even likely, that he would not be ruler *before* the occasion: the great

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qualities — the imperious will, the rapid energy, the eager nature — fit for a great crisis are not required, are impediments, in common times. A Lord Liverpool is better in every-day politics than a Chatham; a Louis Philippe far better than a Napoleon. By the structure of the world we often want, at the sudden occurrence of a grave tempest, to change the helmsman, — to replace the pilot of the calm by the pilot of the storm. In England we have had so few catastrophes since our Constitution attained maturity that we hardly appreciate this latent excellence. We have not needed a Cavour to rule a revolution, — a representative man, above all men fit for a great occasion, and by a natural, legal mode brought in to rule. But even in England, at what was the nearest to a great sudden crisis which we have had of late years, — at the Crimean difficulty, — we used this inherent power. We abolished the Aberdeen Cabinet, the ablest we have had, perhaps, since the Reform Act; a Cabinet not only adapted, but eminently adapted, for every sort of difficulty save the one it had to meet, — which abounded in pacific discretion, and was wanting only in the "dæmonic element": we chose a statesman who had the sort of merit then wanted, who, when he feels the steady power of England behind him, will advance without reluctance and will strike without restraint. As was said at the time, "We turned out the Quaker and put in the pugilist."

But under a presidential government you can do nothing of the kind. The American government calls itself a government of the supreme people; but at a quick crisis, the time when a sovereign power is most needed, you cannot *find* the supreme people. You have got a Congress elected for one fixed period, going out perhaps by fixed installments, which cannot be accelerated or retarded; you have a President chosen for a fixed period, and immovable during that period: all the arrangements are for *stated* times. There is no *elastic* element: everything is rigid,

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specified, dated. Come what may, you can quicken nothing and can retard nothing. You have bespoken your government in advance; and whether it suits you or not, whether it works well or works ill, whether it is what you want or not, by law you must keep it. In a country of complex foreign relations, it would mostly happen that the first and most critical year of every war would be managed by a peace premier, and the first and most critical years of peace by a war premier. In each case the period of transition would be irrevocably governed by a man selected not for what he was to introduce, but what he was to change; for the policy he was to abandon, not for the policy he was to administer.

The whole history of the American Civil War — a history which has thrown an intense light on the working of a presidential government at the time when government is most important — is but a vast continuous commentary on these reflections. It would indeed be absurd to press against presidential government *as such* the singular defect by which Vice-President Johnson has become President, — by which a man elected to a sinecure is fixed in what is for the moment the most important administrative part in the political world. This defect, though most characteristic of the expectations* of the framers of the Constitution and of its working, is but an accident of this particular case of presidential government, and no necessary ingredient in that government itself. But the first election of Mr. Lincoln is liable to no such objection: it was a characteristic instance of the natural working of such a government upon a great occasion. And what was that working? It may be summed up: it was government by an *unknown quantity*. Hardly any one in America had any

* The framers of the Constitution expected that the *Vice*-President would be elected by the Electoral College as the second wisest man in the country. The vice-presidentship being a sinecure, a second-rate man agreeable to the wire-pullers is always smuggled in; the chance of succession to the presidentship is too distant to be thought of. — B.

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living idea what Mr. Lincoln was like, or any definite notion what he would do. The leading statesmen under the system of cabinet government are not only household words, but household *ideas*. A conception — not perhaps in all respects a true, but a most vivid conception — what Mr. Gladstone is like, or what Lord Palmerston is like, runs through society. We have simply no notion what it would be to be left with the visible sovereignty in the hands of an unknown man. The notion of employing a man of unknown smallness at a crisis of unknown greatness is to our minds simply ludicrous. Mr. Lincoln, it is true, happened to be a man, if not of eminent ability, yet of eminent justness; there was an inner depth of Puritan nature which came out under suffering, and was very attractive. But success in a lottery is no argument for lotteries: what were the chances against a person of Lincoln's antecedents, elected as he was, proving to be what he was?

Such an incident is, however, natural to a presidential government. The president is elected by processes which forbid the election of known men except at peculiar conjunctures, and in moments when public opinion is excited and despotic; and consequently, if a crisis comes upon us soon after he is elected, inevitably we have government by an unknown quantity, — the superintendence of that crisis by what our great satirist would have called "Statesman X." Even in quiet times, government by a president is, for the several various reasons which have been stated, inferior to government by a cabinet; but the difficulty of quiet times is nothing as compared with the difficulty of unquiet times. The comparative deficiencies of the regular, common operation of a presidential government are far less than the comparative deficiencies in time of sudden trouble, — the want of elasticity, the impossibility of a dictatorship, the total absence of a *revolutionary reserve*.

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This contrast explains why the characteristic quality of cabinet governments — the fusion of the executive power with the legislative power — is of such cardinal importance. I shall proceed to show under what form and with what adjuncts it exists in England.

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III.

THE MONARCHY.

THE use of the Queen, in a dignified capacity, is incalculable: without her in England, the present English government would fail and pass away. Most people, when they read that the Queen walked on the slopes at Windsor, that the Prince of Wales went to the Derby, have imagined that too much thought and prominence were given to little things; but they have been in error, and it is nice to trace how the actions of a retired widow and an unemployed youth become of such importance.

The best reason why monarchy is a strong government is, that it is an intelligible government: the mass of mankind understand it, and they hardly anywhere in the world understand any other. It is often said that men are ruled by their imaginations; but it would be truer to say they are governed by the weakness of their imaginations. The nature of a constitution, the action of an assembly, the play of parties, the unseen formation of a guiding opinion, are complex facts, difficult to know and easy to mistake; but the action of a single will, the fiat of a single mind, are easy ideas,—anybody can make them out, and no one can ever forget them. When you put before the mass of mankind the question, "Will you be governed by a king, or will you be governed by a constitution?" the inquiry comes out thus: "Will you be governed in a way you understand, or will you be governed in a way you do not understand?" The issue was put to the French people: they were asked, "Will you be governed

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by Louis Napoleon, or will you be governed by an assembly?" The French people said, "We will be governed by the one man we can imagine, and not by the many people we cannot imagine."

The best mode of comprehending the nature of the two governments is to look at a country in which the two have within a comparatively short space of years succeeded each other.

"The political condition," says Mr. Grote, "which Grecian legend everywhere presents to us, is in its principal features strikingly different from that which had become universally prevalent among the Greeks in the time of the Peloponnesian War. Historical oligarchy, as well as democracy, agreed in requiring a certain established system of government, comprising these three elements: specialized functions, temporary functionaries, and ultimate responsibility (under some form or other) to the mass of qualified citizens, — either a Senate or an Ecclesia, or both. There were, of course, many and capital distinctions between one government and another, in respect to the qualification of the citizen, the attributes and efficiency of the general assembly, the admissibility to power, etc.; and men might often be dissatisfied with the way in which these questions were determined in their own city. But in the mind of every man, some determining rule or system — something like what in modern times is called a *constitution* — was indispensable to any government entitled to be called legitimate, or capable of creating in the mind of a Greek a feeling of moral obligation to obey it. The functionaries who exercised authority under it might be more or less competent or popular; but his personal feelings towards them were commonly lost in his attachment or aversion to the general system. If any energetic man could by audacity or craft break down the constitution, and render himself permanent ruler according to his own will and pleasure, even though he might govern well he could never inspire the people with any sentiment of duty towards him: his sceptre was illegitimate from the beginning, and even the taking of his life, far from being interdicted by that moral feeling which condemned the shedding of blood in other cases, was considered meritorious; nor could he be mentioned in the language except by a name (*τύραννος, despot*) which branded him as an object of mingled fear and dislike.

"If we carry our eyes back from historical to legendary Greece, we find a picture the reverse of what has been here sketched. We discern a government in which there is little or no scheme or

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system, still less any idea of responsibility to the governed, but in which the mainspring of obedience on the part of the people consists in their personal feeling and reverence towards the chief. We remark, first and foremost, the king; next, a limited number of subordinate kings or chiefs; afterwards, the mass of armed freemen, husbandmen, artisans, freebooters, etc.; lowest of all, the free laborers for hire and the bought slaves. The king is not distinguished by any broad or impassable boundary from the other chiefs, to each of whom the title *basileus* is applicable as well as to himself: his supremacy has been inherited from his ancestors, and passes by descent, as a general rule, to his eldest son, having been conferred upon the family as a privilege by the favor of Zeus. In war he is the leader, foremost in personal prowess and directing all military movements; in peace he is the general protector of the injured and oppressed; he further offers up those public prayers and sacrifices which are intended to obtain for the whole people the favor of the gods. An ample domain is assigned to him as an appurtenance of his lofty position, while the produce of his fields and his cattle is consecrated in part to an abundant though rude hospitality. Moreover, he receives frequent presents,—to avert his enmity, to conciliate his favor, or to buy off his exactions; and when plunder is taken from the enemy, a large previous share, comprising probably the most alluring female captive, is reserved for him apart from the general distribution.

"Such is the position of the king in the heroic times of Greece: the only person (if we except the heralds and priests, each both special and subordinate) who is then presented to us as clothed with any individual authority; the person by whom all the executive functions, then few in number, which the society requires, are either performed or directed. His personal ascendancy—derived from divine countenance bestowed both upon himself individually and upon his race, and probably from accredited divine descent—is the salient feature in the picture: the people hearken to his voice, embrace his propositions, and obey his orders; not merely resistance, but even criticism upon his acts, is generally exhibited in an odious point of view, and is indeed never heard of except from some one or more of the subordinate princes."*

The characteristic of the English monarchy is that it retains the feelings by which the heroic kings governed their rude age, and has added the feelings

*"History of Greece," Vol. i., Chap. xx.

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by which the constitutions of later Greece ruled in more refined ages. We are a more mixed people than the Athenians, or probably than any political Greeks: we have progressed more unequally. The slaves in ancient times were a separate order, not ruled by the same laws or thoughts as other men; it was not necessary to think of them in making a constitution, it was not necessary to improve them in order to make a constitution possible. The Greek legislator had not to combine in his polity, men like the laborers of Somersetshire and men like Mr. Grote; he had not to deal with a community in which primitive barbarism lay as a recognized basis to acquired civilization: *we have.* We have no slaves to keep down by special terrors and independent legislation; but we have whole classes unable to comprehend the idea of a constitution,—unable to feel the least attachment to impersonal laws. Most do indeed vaguely know that there are some other institutions besides the Queen, and some rules by which she governs; but a vast number like their minds to dwell more upon her than upon anything else, and therefore she is inestimable. A republic has only difficult ideas in government; a constitutional monarchy has an easy idea too,—it has a comprehensible element for the vacant many, as well as complex laws and notions for the inquiring few.

A *family* on the throne is an interesting idea also: it brings down the pride of sovereignty to the level of petty life. No feeling could seem more childish than the enthusiasm of the English at the marriage of the Prince of Wales,—they treated as a great political event what, looked at as a matter of pure business, was very small indeed; but no feeling could be more like common human nature, as it is and as it is likely to be. The women—one-half the human race at least—care fifty times more for a marriage than a ministry. All but a few cynics like to see a pretty novel touching for a moment the dry

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scenes of the grave world. A princely marriage is the brilliant edition of a universal fact, and as such it rivets mankind. We smile at the *Court Circular;* but remember how many people read the *Court Circular!* Its use is not in what it says, but in those to whom it speaks. They say that the Americans were more pleased at the Queen's letter to Mrs. Lincoln than at any act of the English government: it was a spontaneous act of intelligible feeling in the midst of confused and tiresome business. Just so a royal family sweetens politics by the seasonable addition of nice and pretty events: it introduces irrelevant facts into the business of government, but they are facts which speak to "men's bosoms" and employ their thoughts.

To state the matter shortly, royalty is a government in which the attention of the nation is concentrated on one person doing interesting actions; a republic is a government in which that attention is divided between many who are all doing uninteresting actions. Accordingly, so long as the human heart is strong and the human reason weak, royalty will be strong because it appeals to diffused feeling, and republics weak because they appeal to the understanding.

Secondly, the English monarchy strengthens our government with the strength of religion. It is not easy to say why it should be so: every instructed theologian would say that it was the duty of a person born under a republic as much to obey that republic as it is the duty of one born under a monarchy to obey the monarch. But the mass of the English people do not think so: they agree with the oath of allegiance; they say it is their duty to obey "the Queen," and they have but hazy notions as to obeying laws without a queen. In former times, when our Constitution was incomplete, this notion of local holiness in one part was mischievous. All parts were struggling, and it was necessary each should

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have its full growth; but superstition said one should grow where it would, and no other part should grow without its leave. The whole Cavalier party said it was their duty to obey the king, whatever the king did; there was to be "passive obedience" to him, and there was no religious obedience due to any one else, — he was "the Lord's anointed," and no one else had been anointed at all. The Parliament, the laws, the press were human institutions; but the monarchy was a divine institution. An undue advantage was given to a part of the Constitution, and therefore the progress of the whole was stayed.

After the Revolution this mischievous sentiment was much weaker. The change of the line of sovereigns was at first conclusive. If there was a mystic right in any one, that right was plainly in James II.; if it was an English duty to obey any one whatever he did, he was the person to be so obeyed; if there was an inherent inherited claim in any king, it was in the Stuart king to whom the crown had come by descent, and not in the Revolution king to whom it had come by vote of Parliament. All through the reign of William III. there was, in common speech, one king whom man had made and another king whom God had made. The king who ruled had no consecrated loyalty to build upon; although he ruled in fact, according to sacred theory there was a king in France who ought to rule. But it was very hard for the English people, with their plain sense and slow imagination, to keep up a strong sentiment of veneration for a foreign adventurer: he lived under the protection of a French king; what he did was commonly stupid, and what he left undone was very often wise. As soon as Queen Anne began to reign there was a change of feeling; the old sacred sentiment began to cohere about her. There were indeed difficulties which would have baffled most people; but an Englishman whose heart is in a matter is not

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easily baffled. Queen Anne had a brother living and a father living, and by every rule of descent their right was better than hers; but many people evaded both claims: they said James II. had "run away" and so abdicated, though he only ran away because he was in duresse and was frightened, and though he claimed the allegiance of his subjects day by day; the Pretender, it was said, was not legitimate, though the birth was proved by evidence which any court of justice would have accepted. The English people were "out of" a sacred monarch, and so they tried very hard to make a new one; events, however, were too strong for them. They were ready and eager to take Queen Anne as the stock of a new dynasty; they were ready to ignore the claims of her father and the claims of her brother, but they could not ignore the fact that at the critical period she had no children. She had once had thirteen, but they all died in her lifetime, and it was necessary either to revert to the Stuarts or to make a new king by Act of Parliament.

According to the Act of Settlement passed by the Whigs, the crown was settled on the descendants of the "Princess Sophia" of Hanover, a younger daughter of a daughter of James I. There were before her James II., his son, the descendants of a daughter of Charles I., and elder children of her own mother; but the Whigs passed these over because they were Catholics, and selected the Princess Sophia, who, if she was anything, was a Protestant. Certainly this selection was statesmanlike, but it could not be very popular. It was quite impossible to say that it was the duty of the English people to obey the house of Hanover upon any principles which do not concede the right of the people to choose their rulers, and which do not degrade monarchy from its solitary pinnacle of majestic reverence and make it one only among many expedient institutions. If a king is a useful public functionary who may be

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changed, and in whose place you may make another, you cannot regard him with mystic awe and wonder; and if you are bound to worship him, of course you cannot change him. Accordingly, during the whole reigns of George I. and George II. the sentiment of religious loyalty altogether ceased to support the Crown. The prerogative of the king had no strong party to support it: the Tories, who naturally would support it, disliked the actual king; and the Whigs, according to their creed, disliked the king's office. Until the accession of George III. the most vigorous opponents of the Crown were the country gentlemen, its natural friends, and the representatives of quiet rural districts, where loyalty is mostly to be found if anywhere; but after the accession of George III. the common feeling came back to the same point as in Queen Anne's time. The English were ready to take the new young prince as the beginning of a sacred line of sovereigns, just as they had been willing to take an old lady who was the second cousin of his great-great-grandmother. So it is now: if you ask the immense majority of the Queen's subjects by what right she rules, they would never tell you that she rules by Parliamentary right, by virtue of 6 Anne, c. 7; they will say she rules by "God's grace,"—they believe that they have a mystic obligation to obey her. When her family came to the crown it was a sort of treason to maintain the inalienable right of lineal sovereignty, for it was equivalent to saying that the claim of another family was better than hers; but now, in the strange course of human events, that very sentiment has become her surest and best support.

But it would be a great mistake to believe that at the accession of George III. the instinctive sentiment of hereditary loyalty at once became as useful as now: it began to be powerful, but it hardly began to be useful. There was so much harm done by it, as well as so much good, that it is quite capable of

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being argued whether on the whole it was beneficial or hurtful. Throughout the greater part of his life George III. was a kind of "consecrated obstruction." Whatever he did had a sanctity different from what any one else did, and it perversely happened that he was commonly wrong. He had as good intentions as any one need have, and he attended to the business of his country as a clerk with his bread to get attends to the business of his office; but his mind was small, his education limited, and he lived in a changing time. Accordingly, he was always resisting what ought to be and prolonging what ought not to be. He was the sinister but sacred assailant of half his ministries; and when the French Revolution excited the horror of the world and proved democracy to be "impious," the piety of England concentrated upon him and gave him tenfold strength. The monarchy by its religious sanction now confirms all our political order; in George III.'s time it confirmed little except itself. It gives now a vast strength to the entire Constitution, by enlisting on its behalf the credulous obedience of enormous masses; then it lived aloof, absorbed all the holiness into itself, and turned over all the rest of the polity to the coarse justification of bare expediency.

A principal reason why the monarchy so well consecrates our whole state is to be sought in the peculiarity many Americans and many utilitarians smile at. They laugh at this "extra," as the Yankee called it,—at the solitary transcendent element; they quote Napoleon's saying that "he did not wish to be fatted in idleness," when he refused to be Grand Elector in Sièyes's constitution, which was an office copied (and M. Thiers says well copied) from constitutional monarchy. But such objections are wholly wrong. No doubt it was absurd enough in the Abbé Sièyes to propose that a new institution, inheriting no reverence and made holy by no religion, should be created to fill the sort of post occupied by a constitutional

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king in nations of monarchical history: such an institution, far from being so august as to spread reverence around it, is too novel and artificial to get reverence for itself; if, too, the absurdity could anyhow be augmented, it was so by offering an office of inactive uselessness and pretended sanctity to Napoleon, the most active man in France, with the greatest genius for business, only not sacred, and exclusively fit for action. But the blunder of Sièyes brings the excellence of real monarchy to the best light. When a monarch can bless, it is best that he should not be touched; it should be evident that he does no wrong; he should not be brought too closely to real measurement; he should be aloof and solitary. As the functions of English royalty are for the most part latent, it fulfills this condition. It seems to order, but it never seems to struggle. It is commonly hidden like a mystery, and sometimes paraded like a pageant; but in neither case is it contentious. The nation is divided into parties, but the Crown is of no party. Its apparent separation from business is that which removes it both from enmities and from desecration, which preserves its mystery, which enables it to combine the affection of conflicting parties, — to be a visible symbol of unity to those still so imperfectly educated as to need a symbol.

Thirdly, the Queen is the head of our society. If she did not exist, the Prime Minister would be the first person in the country: he and his wife would have to receive foreign ministers and occasionally foreign princes, to give the first parties in the country; he and she would be at the head of the pageant of life: they would represent England in the eyes of foreign nations, they would represent the government of England in the eyes of the English.

It is very easy to imagine a world in which this change would not be a great evil. In a country where people did not care for the outward show of life, where the genius of the people was untheatrical

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and they exclusively regarded the substance of things, this matter would be trifling: whether Lord and Lady Derby received the foreign ministers, or Lord and Lady Palmerston, would be a matter of indifference; whether they gave the nicest parties would be important only to the persons at those parties. A nation of unimpressible philosophers would not care at all how the externals of life were managed. Who is the showman is not material unless you care about the show.

But of all nations in the world, the English are perhaps the least a nation of pure philosophers. It would be a very serious matter to us to change every four or five years the visible head of our world. We are not now remarkable for the highest sort of ambition; but we are remarkable for having a great deal of the lower sort of ambition and envy. The House of Commons is thronged with people who get there merely for "social purposes," as the phrase goes; that is, that they and their families may go to parties else impossible. Members of Parliament are envied by thousands merely for this frivolous glory, as a thinker calls it. If the highest post in conspicuous life were thrown open to public competition, this low sort of ambition and envy would be fearfully increased: politics would offer a prize too dazzling for mankind; clever base people would strive for it, and stupid base people would envy it. Even now a dangerous distinction is given by what is exclusively called "public life." The newspapers describe daily and incessantly a certain conspicuous existence; they comment on its characters, recount its details, investigate its motives, anticipate its course; they give a precedence and a dignity to that world which they do not give to any other. The literary world, the scientific world, the philosophic world, not only are not comparable in dignity to the political world, but in comparison are hardly worlds at all; the newspaper makes no mention of them, and could not mention them. As

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are the papers, so are the readers; they, by irresistible sequence and association, believe that those people who constantly figure in the papers are cleverer, abler, or at any rate somehow higher, than other people. "I wrote books," we heard of a man saying, "for twenty years, and I was nobody: I got into Parliament, and before I had taken my seat I had become somebody." English politicians are the men who fill the thoughts of the English public; they are the actors on the scene, and it is hard for the admiring spectators not to believe that the admired actor is greater than themselves. In this present age and country it would be very dangerous to give the slightest addition to a force already perilously great. If the highest social rank was to be scrambled for in the House of Commons, the number of social adventurers there would be incalculably more numerous and indefinitely more eager.

A very peculiar combination of causes has made this characteristic one of the most prominent in English society. The Middle Ages left all Europe with a social system headed by courts. The government was made the head of all society, all intercourse, and all life; everything paid allegiance to the sovereign, and everything ranged itself round the sovereign, — what was next, to be greatest, and what was farthest, least. The idea that the head of the government is the head of society is so fixed in the ideas of mankind that only a few philosophers regard it as historical and accidental; though when the matter is examined, that conclusion is certain and even obvious.

In the first place, society as society does not naturally need a head at all: its constitution, if left to itself, is not monarchical but aristocratical. Society, in the sense we are now talking of, is the union of people for amusement and conversation; the making of marriages goes on in it, as it were, incidentally, but its common and main concern is talking and pleasure. There is nothing in this which needs a

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single supreme head; it is a pursuit in which a single person does not of necessity dominate. By nature it creates an "upper ten thousand": a certain number of persons and families, possessed of equal culture and equal faculties and equal spirit, get to be on a level, and that level a high level. By boldness, by cultivation, by "social science" they raise themselves above others; they become the "first families," and all the rest come to be below them. But they tend to be much about a level among one another; no one is recognized by all or by many others as superior to them all. This is society as it grew up in Greece or Italy, as it grows up now in any American or colonial town. So far from the notion of a "head of society" being a necessary notion, in many ages it would scarcely have been an intelligible notion. You could not have made Socrates understand it: he would have said, "If you tell me that one of my fellows is chief magistrate and that I am bound to obey him, I understand you, and you speak well; or that another is a priest and that he ought to offer sacrifices to the gods which I or any one not a priest ought not to offer, again I understand and agree with you: but if you tell me that there is in some citizen a hidden charm, by which his words become better than my words and his house better than my house, I do not follow you, and should be pleased if you will explain yourself."

And even if a head of society were a natural idea, it certainly would not follow that the head of the civil government should be that head. Society as such has no more to do with civil polity than with ecclesiastical; the organization of men and women for the purpose of amusement is not necessarily identical with their organization for political purposes, any more than with their organization for religious purposes,—it has of itself no more to do with the state than it has with the church. The faculties which fit a man to be a great ruler are not those of society;

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some great rulers have been unintelligible like Cromwell, or brusque like Napoleon, or coarse and barbarous like Sir Robert Walpole. The light nothings of the drawing-room and the grave things of office are as different from one another as two human occupations can be; there is no naturalness in uniting the two: the end of it always is, that you put a man at the head of society who very likely is remarkable for social defects, and is not eminent for social merits.

The best possible commentary on these remarks is the history of English royalty. It has not been sufficiently remarked that a change has taken place in the structure of our society exactly analogous to the change in our polity: a republic has insinuated itself beneath the folds of a monarchy. Charles II. was really the head of society: Whitehall in his time was the center of the best talk, the best fashion, and the most curious love affairs of the age. He did not contribute good morality to society, but he set an example of infinite agreeableness; he concentrated around him all the light part of the high world of London, and London concentrated around it all the light part of the high world of England. The court was the focus where everything fascinating gathered, and where everything exciting centered. Whitehall was an unequaled club, with female society of a very clever and sharp sort superadded. All this, as we know, is now altered: Buckingham Palace is as unlike a club as any place is likely to be; the court is a separate part, which stands aloof from the rest of the London world, and which has but slender relations with the more amusing part of it. The two first Georges were men ignorant of English, and wholly unfit to guide and lead English society; they both preferred one or two German ladies of bad character to all else in London. George III. had no social vices, but he had no social pleasures: he was a family man, and a man of business; and sincerely preferred a leg of mutton and turnips, after a good

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day's work, to the best fashion and the most exciting talk. In consequence, society in London, though still in form under the domination of a court, assumed in fact its natural and oligarchical structure. It too has become an "upper ten thousand"; it is no more monarchical in fact than the society of New York. Great ladies give the tone to it with little reference to the particular court world. The peculiarly masculine world of the clubs and their neighborhood has no more to do in daily life with Buckingham Palace than with the Tuileries. Formal ceremonies of presentation and attendance are retained; the names of levée and drawing-room still sustain the memory of the time when the king's bed-chamber and the queen's "withdrawing-room" were the centers of London life: but they no longer make a part of social enjoyment; they are a sort of ritual in which nowadays almost every decent person can if he likes take part. Even court balls, where pleasure is at least supposed to be possible, are lost in a London July. Careful observers have long perceived this, but it was made palpable to every one by the death of the Prince Consort; since then the court has been always in a state of suspended animation, and for a time it was quite annihilated, but everything went on as usual. A few people who had no daughters and little money made it an excuse to give fewer parties, and if very poor stayed in the country; but upon the whole the difference was not perceptible. The queen bee was taken away, but the hive went on.

Refined and original observers have of late objected to English royalty that it is not splendid enough. They have compared it with the French court, which is better in show, which comes to the surface everywhere so that you cannot help seeing it, which is infinitely and beyond question the most splendid thing in France. They have said that "in old times the English court took too much of the nation's money, and spent it ill; but now, when

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it could be trusted to spend well, it does not take enough of the nation's money. There are arguments for not having a court, and there are arguments for having a splendid court; but there are no arguments for having a mean court. It is better to spend a million in dazzling when you wish to dazzle, than three-quarters of a million in trying to dazzle and yet not dazzling." There may be something in this theory; it may be that the court of England is not quite as gorgeous as we might wish to see it: but no comparison must ever be made between it and the French court. The Emperor represents a different idea from the Queen. He is not the head of the state; he *is* the state. The theory of his government is that every one in France is equal, and that the Emperor embodies the principle of equality: the greater you make him, the less and therefore the more equal you make all others; he is magnified that others may be dwarfed. The very contrary is the principle of English royalty: as in politics it would lose its principal use if it came forward into the public arena, so in society if it advertised itself it would be pernicious. We have voluntary show enough already in London; we do not wish to have it encouraged and intensified, but quieted and mitigated. Our court is but the head of an unequal, competing, aristocratic society: its splendor would not keep others down, but incite others to come on. It is of use so long as it keeps others out of the first place, and is guarded and retired in that place; but it would do evil if it added a new example to our many examples of showy wealth, — if it gave the sanction of its dignity to the race of expenditure.

Fourthly, we have come to regard the Crown as the head of our *morality*. The virtues of Queen Victoria and the virtues of George III. have sunk deep into the popular heart; we have come to believe that it is natural to have a virtuous sovereign, and that the domestic virtues are as likely to be found on

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thrones as they are eminent when there. But a little experience and less thought show that royalty cannot take credit for domestic excellence: neither George I. nor George II. nor William IV. were patterns of family merit; George IV. was a model of family demerit. The plain fact is, that to the disposition of all others most likely to go wrong,—to an excitable disposition,—the place of a constitutional king has greater temptations than almost any other and fewer suitable occupations than almost any other. All the world and all the glory of it, whatever is most attractive, whatever is most seductive, has always been offered to the Prince of Wales of the day, and always will be; it is not rational to expect the best virtue where temptation is applied in the most trying form at the frailest time of human life. The occupations of a constitutional monarch are grave, formal, important, but never exciting; they have nothing to stir eager blood, awaken high imagination, work off wild thoughts. On men like George III., with a predominant taste for business occupations, the routine duties of constitutional royalty have doubtless a calm[ing] and chastening effect: the insanity with which he struggled, and in many cases struggled very successfully, during many years, would probably have burst out much oftener but for the sedative effect of sedulous employment. But how few princes have ever felt the anomalous impulse for real work; how uncommon is that impulse anywhere; how little are the circumstances of princes calculated to foster it; how little can it be relied on as an ordinary breakwater to their habitual temptations! Grave and careful men may have domestic virtues on a constitutional throne; but even these fail sometimes, and to imagine that men of more eager temperaments will commonly produce them is to expect grapes from thorns and figs from thistles.

Lastly, constitutional royalty has the function which I insisted on at length in my last essay, and which,

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though it is by far the greatest, I need not now enlarge upon again, — it acts as a *disguise:* it enables our real rulers to change without heedless people knowing it. The masses of Englishmen are not fit for an elective government; if they knew how near they were to it, they would be surprised, and almost tremble.

Of a like nature is the value of constitutional royalty in times of transition. The greatest of all helps to the substitution of a cabinet government for a preceding absolute monarchy is the accession of a king favorable to such a government, and pledged to it. Cabinet government, when new, is weak in time of trouble: the prime minister — the chief on whom everything depends, who must take responsibility if any one is to take it, who must use force if any one is to use it — is not fixed in power; he holds his place, by the essence of the government, with some uncertainty. Among a people well accustomed to such a government, such a functionary may be bold; he may rely, if not on the parliament, on the nation which understands and values him: but when that government has only recently been introduced, it is difficult for such a minister to be as bold as he ought to be, — his power rests too much on human reason and too little on human instinct. The traditional strength of the hereditary monarch is at these times of incalculable use. It would have been impossible for England to get through the first years after 1688 but for the singular ability of William III. It would have been impossible for Italy to have attained and kept her freedom without the help of Victor Emmanuel; neither the work of Cavour nor the work of Garibaldi were more necessary than his. But the failure of Louis Philippe to use his reserve power as constitutional monarch is the most instructive proof how great that reserve power is. In February, 1848, Guizot was weak because his tenure of office was insecure: Louis Philippe should have made that tenure

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certain. Parliamentary reform might afterwards have been conceded to instructed opinion, but nothing ought to have been conceded to the mob. The Parisian populace ought to have been put down, as Guizot wished. If Louis Philippe had been a fit king to introduce free government, he would have strengthened his ministers when they were the instruments of order, even if he afterwards discarded them when order was safe and policy could be discussed. But he was one of the cautious men who are "noted" to fail in old age: though of the largest experience, and of great ability, he failed and lost his crown for want of petty and momentary energy, which at such a crisis a plain man would have at once put forth.

Such are the principal modes in which the institution of royalty by its august aspect influences mankind, and in the English state of civilization they are invaluable. Of the actual business of the sovereign — the real work the Queen does — I shall speak in my next paper.

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IV.

THE MONARCHY (*continued*).

THE House of Commons has inquired into most things, but has never had a committee on "the Queen": there is no authentic "blue-book" to say what she does. Such an investigation cannot take place; but if it could, it would probably save her much vexatious routine and many toilsome and unnecessary hours.

The popular theory of the English Constitution involves two errors as to the sovereign. First, in its oldest form at least, it considers him as an "estate of the realm," a separate co-ordinate authority with the House of Lords and the House of Commons. This and much else the sovereign once was, but this he is no longer. That authority could only be exercised by a monarch with a legislative veto; he should be able to reject bills, if not as the House of Commons rejects them, at least as the House of Peers rejects them: but the Queen has no such veto,—she must sign her own death-warrant if the two Houses unanimously send it up to her. It is a fiction of the past to ascribe to her legislative power: she has long ceased to have any. Secondly, the ancient theory holds that the Queen is the executive. The American Constitution was made upon a most careful argument, and most of that argument assumes the king to be the administrator of the English Constitution, and an unhereditary substitute for him—viz., a president—to be peremptorily necessary. Living across the Atlantic, and misled by accepted doctrines, the acute framers of the federal Constitution, even after the keenest attention, did not perceive the Prime Minister

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to be the principal executive of the British Constitution, and the sovereign a cog in the mechanism. There is indeed much excuse for the American legislators in the history of that time,—they took their idea of our Constitution from the time when they encountered it; but in the so-called Government of Lord North, George III. was the Government: Lord North was not only his appointee, but his agent; the minister carried on a war which he disapproved and hated, because it was a war which his sovereign approved and liked. Inevitably, therefore, the American Convention believed the king, from whom they had suffered, to be the real executive, and not the minister, from whom they had not suffered.

If we leave literary theory and look to our actual old law, it is wonderful how much the sovereign can do. A few years ago the Queen very wisely attempted to make life peers, and the House of Lords very unwisely, and contrary to its own best interests, refused to admit her claim: they said her power had decayed into non-existence; she once had it, they allowed, but it had ceased by long disuse. If any one will run over the pages of Comyns' "Digest," or any other such book, title "Prerogative," he will find the Queen has a hundred such powers, which waver between reality and desuetude, and which would cause a protracted and very interesting legal argument if she tried to exercise them. Some good lawyer ought to write a careful book to say which of these powers are really usable, and which are obsolete: there is no authentic explicit information as to what the Queen can do, any more than of what she does.

In the bare superficial theory of free institutions this is undoubtedly a defect: every power in a popular government ought to be known. The whole notion of such a government is that the political people —the governing people—rules as it thinks fit. All the acts of every administration are to be canvassed by it; it is to watch if such acts seem good, and in

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some manner or other to interpose if they seem not good: but it cannot judge if it is to be kept in ignorance; it cannot interpose if it does not know. A secret prerogative is an anomaly — perhaps the greatest of anomalies. That secrecy is, however, essential to the utility of English royalty as it now is. Above all things our royalty is to be reverenced, and if you begin to poke about it you cannot reverence it. When there is a select committee on the Queen, the charm of royalty will be gone: its mystery is its life. We must not let in daylight upon magic: we must not bring the Queen into the combat of politics, or she will cease to be reverenced by all combatants; she will become one combatant among many. The existence of this secret power is according to abstract theory a defect in our constitutional polity; but it is a defect incident to a civilization such as ours, where august and therefore unknown powers are needed, as well as known and serviceable powers.

If we attempt to estimate the working of this inner power by the evidence of those, whether dead or living, who have been brought in contact with it, we shall find a singular difference. Both the courtiers of George III. and the courtiers of Queen Victoria are agreed as to the magnitude of the royal influence; it is with both an accepted secret doctrine that the Crown does more than it seems; but there is a wide discrepancy in opinion as to the quality of that action. Mr. Fox did not scruple to describe the hidden influence of George III. as the undetected agency of "an infernal spirit"; the action of the Crown at that period was the dread and terror of Liberal politicians: but now the best Liberal politicians say, "*We* shall never know, but when history is written our children may know, what we owe to the Queen and Prince Albert." The mystery of the Constitution, which used to be hated by our calmest, most thoughtful, and [most] instructed statesmen, is now loved and reverenced by them.

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Before we try to account for this change, there is one part of the duties of the Queen which should be struck out of the discussion; I mean the formal part. The Queen has to assent to and sign countless formal documents, which contain no matter of policy, of which the purport is insignificant, which any clerk could sign as well. One great class of documents George III. used to read before he signed them, till Lord Thurlow told him "it was nonsense his looking at them, for he could not understand them." But the worst case is that of commissions in the army: till an Act passed only three years since, the Queen used to sign *all* military commissions, and she still signs all fresh commissions; the inevitable and natural consequence is, that such commissions were (and to some extent still are) in arrears by thousands,—men have often been known to receive their commissions for the first time years after they have left the service. If the Queen had been an ordinary officer, she would long since have complained and long since have been relieved of this slavish labor. A cynical statesman is said to have defended it on the ground that "you *may* have a fool for a sovereign, and then it would be desirable he should have plenty of occupation in which he can do no harm." But it is in truth childish to heap formal duties of business upon a person who has of necessity so many formal duties of society; it is a remnant of the old days when George III. would know everything however trivial, and assent to everything however insignificant. These labors of routine may be dismissed from the discussion: it is not by them that the sovereign acquires his authority either for evil or for good.

The best mode of testing what we owe to the Queen is to make a vigorous effort of the imagination and see how we should get on without her. Let us strip cabinet government of all its accessories,—let us reduce it to its two necessary constituents, a representative assembly (a house of commons) and a

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cabinet appointed by that assembly, and examine how we should manage with them only. We are so little accustomed to analyze the Constitution — we are so used to ascribe the whole effect of the Constitution to the whole Constitution — that a great many people will imagine it to be impossible that a nation should thrive or even live with only these two simple elements; but it is upon that possibility that the general imitability of the English government depends. A monarch that can be truly reverenced, a house of peers that can be really respected, are historical accidents nearly peculiar to this one island, and entirely peculiar to Europe; a new country, if it is to be capable of a cabinet government, if it is not to degrade itself to presidential government, must create that cabinet out of its native resources, — must not rely on these Old World *débris*.

Many modes might be suggested by which a parliament might do in appearance what our Parliament does in reality, — viz., appoint a premier; but I prefer to select the simplest of all modes: we shall then see the bare skeleton of this polity, perceive in what it differs from the royal form, and be quite free from the imputation of having selected an unduly charming and attractive substitute.

Let us suppose the house of commons, existing alone and by itself, to appoint the premier quite simply, just as the shareholders of a railway choose a director. At each vacancy, whether caused by death or resignation, let any member or members have the right of nominating a successor; after a proper interval, such as the time now commonly occupied by a ministerial crisis, — ten days or a fortnight, — let the members present vote for the candidate they prefer; then let the Speaker count the votes, and the candidate with the greatest number be premier. This mode of election would throw the whole choice into the hands of party organization, just as our present mode does except in so far as the Crown interferes

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with it; no outsider would ever be appointed, because the immense number of votes which every great party brings into the field would far outnumber every casual and petty minority. The premier should not be appointed for a fixed time, but during good behavior or the pleasure of parliament. *Mutatis mutandis*, subject to the differences now to be investigated, what goes on now would go on then. The premier then, as now, must resign upon a vote of want of confidence; but the volition of parliament would then be the overt and single force in the selection of a successor, whereas it is now the predominant though latent force.

It will help the discussion very much if we divide it into three parts. The whole course of a representative government has three stages: first, when a ministry is appointed; next, during its continuance; last, when it ends. Let us consider what is the exact use of the Queen at each of these stages, and how our present form of government differs in each, whether for good or for evil, from that simpler form of cabinet government which might exist without her.

At the beginning of an administration, there would not be much difference between the royal and unroyal species of cabinet governments when there were only two great parties in the state, and when the greater of those parties was thoroughly agreed within itself who should be its parliamentary leader and who therefore should be its premier. The sovereign must now accept that recognized leader; and if the choice were directly made by the house of commons, the house must also choose him: its supreme section, acting compactly and harmoniously, would sway its decisions without substantial resistance, and perhaps without even apparent competition. A predominant party, rent by no intestine demarcation, would be despotic. In such a case, cabinet government would go on without friction whether there was a queen or whether there was no queen; the best sovereign

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could then achieve no good, and the worst effect no harm.

But the difficulties are far greater when the predominant party is not agreed who should be its leader. In the royal form of cabinet government, the sovereign then has sometimes a substantial selection: in the unroyal, who would choose? There must be a meeting at "Willis's Rooms"; there must be that sort of interior despotism of the majority over the minority within the party by which Lord John Russell in 1859 was made to resign his pretensions to the supreme government, and to be content to serve as a subordinate to Lord Palmerston. The tacit compression which a party anxious for office would exercise over leaders who divided its strength would be used and must be used. Whether such a party would always choose precisely the best man may well be doubted: in a party once divided, it is very difficult to secure unanimity in favor of the very person whom a disinterested bystander would recommend; all manner of jealousies and enmities are immediately awakened, and it is always difficult, often impossible, to get them to sleep again. But though such a party might not select the very best leader, they have the strongest motives to select a very good leader: the maintenance of their rule depends on it. Under a presidential constitution, the preliminary caucuses which choose the president need not care as to the ultimate fitness of the man they choose. They are solely concerned with his attractiveness as a candidate; they need not regard his efficiency as a ruler. If they elect a man of weak judgment, he will reign his stated term; even though he show the best judgment, at the end of that term there will be by constitutional destiny another election. But under a ministerial government there is no such fixed destiny. The government is a removable government; its tenure depends upon its conduct. If a party in power were so foolish as to choose a weak man for its head,

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it would cease to be in power, its judgment is its life. Suppose in 1859 that the Whig party had determined to set aside both Earl Russell and Lord Palmerston, and to choose for its head an incapable nonentity: the Whig party would probably have been exiled from office at the Schleswig-Holstein difficulty. The nation would have deserted them, and Parliament would have deserted them too; neither would have endured to see a secret negotiation, on which depended the portentous alternative of war or peace, in the hands of a person who was thought to be weak, who had been promoted because of his mediocrity, whom his own friends did not respect. A ministerial government, too, is carried on in the face of day: its life is in debate. A president may be a weak man, yet if he keep good ministers to the end of his administration he may not be found out,—it may still be a dubious controversy whether he is wise or foolish; but a prime minister must show what he is: he must meet the house of commons in debate; he must be able to guide that assembly in the management of its business, to gain its ear in every emergency, to rule it in its hours of excitement. He is conspicuously submitted to a searching test, and if he fails he must resign.

Nor would any party like to trust to a weak man the great power which a cabinet government commits to its premier. The premier, though elected by parliament, can dissolve parliament: members would be naturally anxious that the power which might destroy their coveted dignity should be lodged in fit hands; they dare not place in unfit hands a power which, besides hurting the nation, might altogether ruin them. We may be sure, therefore, that whenever the predominant party is divided, the *un*royal form of cabinet government would secure for us a fair and able parliamentary leader; that it would give us a good premier, if not the very best. Can it be said that the royal form does more?

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In one case I think it may. If the constitutional monarch be a man of singular discernment, of unprejudiced disposition, and [of] great political knowledge, he may pick out from the ranks of the divided party its very best leader, even at a time when the party if left to itself would not nominate him. If the sovereign be able to play the part of that thoroughly intelligent but perfectly disinterested spectator who is so prominent in the works of certain moralists, he may be able to choose better for his subjects than they would choose for themselves. But if the monarch be not so exempt from prejudice, and have not this nearly miraculous discernment, it is not likely that he will be able to make a wiser choice than the choice of the party itself. He certainly is not under the same motive to choose wisely; his place is fixed whatever happens, but the [success or] failure of an appointing party depends on the capacity of their appointee.

There is great danger, too, that the judgment of the sovereign may be prejudiced. For more than forty years the personal antipathies of George III. materially impaired successive administrations. Almost at the beginning of his career he discarded Lord Chatham; almost at the end he would not permit Mr. Pitt to coalesce with Mr. Fox. He always preferred mediocrity; he generally disliked high ability; he always disliked great ideas. If constitutional monarchs be ordinary men, of restricted experience and common capacity (and we have no right to suppose that *by miracle* they will be more), the judgment of the sovereign will often be worse than the judgment of the party, and he will be very subject to the chronic danger of preferring a respectful commonplace man such as Addington to an independent first-rate man such as Pitt.

We shall arrive at the same sort of mixed conclusion if we examine the choice of a premier under both systems in the critical case of cabinet government,—

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the case of three parties. This is the case in which that species of government is most sure to exhibit its defects, and least likely to exhibit its merits. The defining characteristic of that government is the choice of the executive ruler by the legislative assembly; but when there are three parties a satisfactory choice is impossible. A really good selection is a selection by a large majority, which trusts those it chooses; but when there are three parties there is no such trust. The numerically weakest has the casting vote,—it can determine which candidate shall be chosen; but it does so under a penalty,—it forfeits the right of voting for its own candidate. It settles which of other people's favorites shall be chosen, on condition of abandoning its own favorite. A choice based on such self-denial can never be a firm choice; it is a choice at any moment liable to be revoked. The events of 1858, though not a perfect illustration of what I mean, are a sufficient illustration. The Radical party, acting apart from the moderate Liberal party, kept Lord Derby in power; the ultra-movement party thought it expedient to combine with the non-movement party. As one of them coarsely but clearly put it, "*We* get more of our way under these men than under the other men"; he meant that in his judgment the Tories would be more obedient to the Radicals than the Whigs [would]. But it is obvious that a union of opposites so marked could not be durable; the Radicals bought it by choosing the men whose principles were most adverse to them; the Conservatives bought it by agreeing to measures whose scope was most adverse to them. After a short interval, the Radicals returned to their natural alliance and their natural discontent with the moderate Whigs. They used their determining vote, first for a government of one opinion and then for a government of the contrary opinion.

I am not blaming this policy; I am using it merely as an illustration. I say that if we imagine

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this sort of action greatly exaggerated and greatly prolonged, parliamentary government becomes impossible. If there are three parties, no two of which will steadily combine for mutual action, but of which the weakest gives a rapidly oscillating preference to the two others, the primary condition of a cabinet polity is not satisfied. We have not a parliament fit to choose; we cannot rely on the selection of a sufficiently permanent executive, because there is no fixity in the thoughts and feelings of the choosers.

Under every species of cabinet government, whether the royal or the unroyal, this defect can be cured in one way only: the moderate people of every party must combine to support the government which on the whole suits every party best. This is the mode in which Lord Palmerston's administration has been lately maintained: a ministry in many ways defective, but more beneficially vigorous abroad and more beneficially active at home than the vast majority of English ministries. The moderate Conservatives and the moderate Radicals have maintained a steady government by a sufficiently coherent union with the moderate Whigs. Whether there is a king or no king, this preservative self-denial is the main force on which we must rely for the satisfactory continuance of a parliamentary government at this its period of greatest trial. Will that moderation be aided or impaired by the addition of a sovereign? Will it be more effectual under the royal sort of ministerial government, or will it be less effectual?

If the sovereign has a genius for discernment, the aid which he can give at such a crisis will be great. He will select for his minister, and if possible maintain as his minister, the statesman upon whom the moderate party will ultimately fix their choice, but for whom at the outset it is blindly searching; being a man of sense, experience, and tact, he will discern which is the combination of equilibrium, which is the section with whom the milder members of the other

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sections will at last ally themselves. Amid the shifting transitions of confused parties, it is probable that he will have many opportunities of exercising a selection: it will rest with him to call either on A B to form an administration or upon X Y, and either may have a chance of trial. A disturbed state of parties is inconsistent with fixity, but it abounds in momentary tolerance: wanting something, but not knowing with precision what, parties will accept for a brief period anything, to see whether it may be that unknown something,—to see what it will do. During the long succession of weak governments which begins with the resignation of the Duke of Newcastle in 1762 and ends with the accession of Mr. Pitt in 1784, the vigorous will of George III. was an agency of the first magnitude. If at a period of complex and protracted division of parties, such as are sure to occur often and last long in every enduring parliamentary government, the extrinsic force of royal selection were always exercised discreetly, it would be a political benefit of incalculable value.

But will it be so exercised? A constitutional sovereign must in the common course of government be a man of but common ability. I am afraid, looking to the early acquired feebleness of hereditary dynasties, that we must expect him to be a man of inferior ability. Theory and experience both teach that the education of a prince can be but a poor education, and that a royal family will generally have less ability than other families. What right have we, then, to expect the perpetual entail on any family of an exquisite discretion which, if it be not a sort of genius, is at least as rare as genius?

Probably in most cases the greatest wisdom of a constitutional king would show itself in well-considered inaction. In the confused interval between 1857 and 1859, the Queen and Prince Albert were far too wise to obtrude any selection of their own: if they

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had chosen, perhaps they would not have chosen Lord Palmerston; but they saw, or may be believed to have seen, that the world was settling down without them, and that by interposing an extrinsic agency they would but delay the beneficial crystallization of intrinsic forces. There is indeed a permanent reason which would make the wisest king, and the king who feels most sure of his wisdom, very slow to use that wisdom: the responsibility of parliament should be felt by parliament. So long as parliament thinks it is the sovereign's business to find a Government, it will be sure not to find a Government itself. The royal form of ministerial government is the worst of all forms if it erect the subsidiary apparatus into the principal force, if it induce the assembly which ought to perform paramount duties to expect some one else to perform them.

It should be observed, too, in fairness to the unroyal species of cabinet government, that it is exempt from one of the greatest and most characteristic defects of the royal species: where there is no court, there can be no evil influence from a court. What these influences are, every one knows; though no one, hardly the best and closest observer, can say with confidence and precision how great their effect is. Sir Robert Walpole, in language too coarse for our modern manners, declared after the death of Queen Caroline that he would pay no attention to the king's daughters ("those girls," as he called them), but would rely exclusively on Madame de Walmoden, the king's mistress. "The king," says a writer in George IV.'s time, "is in our favor; and what is more to the purpose, the Marchioness of Conyngham is so too." Everybody knows to what sort of influences several Italian changes of Government since the unity of Italy have been attributed. These sinister agencies are likely to be most effective just when everything else is troubled, and when therefore they are particularly dangerous. The wildest and wickedest king's

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mistress would not plot against an invulnerable administration; but very many will intrigue when parliament is perplexed, when parties are divided, when alternatives are many, when many evil things are possible, when cabinet government must be difficult.

It is very important to see that a good administration can be started without a sovereign, because some colonial statesmen have doubted it: "I can conceive," it has been said, "that a ministry would go on well enough without a governor when it was launched, but I do not see how to launch it." It has even been suggested that a colony which broke away from England, and had to form its own government, might not unwisely choose a governor for life and solely trusted with selecting ministers, something like the Abbé Sièyes's Grand Elector. But the introduction of such an officer into such a colony would in fact be the voluntary erection of an artificial incumbrance to it. He would inevitably be a party man. The most dignified post in the state must be an object of contest to the great sections into which every active political community is divided: these parties mix in everything and meddle in everything, and they neither would nor could permit the most honored and conspicuous of all stations to be filled except at their pleasure. They know, too, that the grand elector, the great chooser of ministries, might be, at a sharp crisis, either a good friend or a bad enemy. The strongest party would select some one who would be on their side when he had to take a side, who would incline to them when he did incline, who should be a constant auxiliary to them and a constant impediment to their adversaries. It is absurd to choose by contested party election an impartial chooser of ministers.

But it is during the continuance of a ministry, rather than at its creation, that the functions of the sovereign will mainly interest most persons, and that most people will think them to be of the gravest

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importance. I own I am myself of that opinion. I think it may be shown that the post of sovereign over an intelligent and political people under a constitutional monarchy is the post which a wise man would choose above any other, — where he would find the intellectual impulses best stimulated and the worst intellectual impulses best controlled.

On the duties of the Queen during an administration we have an invaluable fragment from her own hand. In 1851 Louis Napoleon had his *coup d'état;* in 1852 Lord John Russell had his, — he expelled Lord Palmerston. By a most instructive breach of etiquette, he read in the House a royal memorandum on the duties of his rival: it is as follows: — "The Queen requires, first, that Lord Palmerston will distinctly state what he proposes in a given case, in order that the Queen may know as distinctly to what she is giving her royal sanction. Secondly, having once given her sanction to such a measure, that it be not arbitrarily altered or modified by the minister; such an act she must consider as failing in sincerity towards the Crown, and justly to be visited by the exercise of her constitutional right of dismissing that minister. She expects to be kept informed of what passes between him and foreign ministers before important decisions are taken based upon that intercourse; to receive the foreign dispatches in good time; and to have the drafts for her approval sent to her in sufficient time to make herself acquainted with their contents before they must be sent off."

In addition to the control over particular ministers, and especially over the foreign minister, the Queen has a certain control over the Cabinet. The first minister, it is understood, transmits to her authentic information of all the most important decisions, together with — what the newspapers would do equally well — the more important votes in Parliament. He is bound to take care that she knows everything which there is to know as to the passing politics of the

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nation. She has by rigid usage a right to complain if she does not know of every great act of her ministry, not only before it is done, but while there is yet time to consider it, — while it is still possible that it may not be done.

To state the matter shortly, the sovereign has, under a constitutional monarchy such as ours, three rights: the right to be consulted, the right to encourage, the right to warn; and a king of great sense and sagacity would want no others, — he would find that his having no others would enable him to use these with singular effect. He would say to his minister, "The responsibility of these measures is upon you: whatever you think best must be done, whatever you think best shall have my full and effectual support. *But* you will observe that for this reason and that reason, what you propose to do is bad; for this reason and that reason, what you do not propose is better. I do not oppose — it is my duty not to oppose; but observe that I *warn*." Supposing the king to be right, and to have — what kings often have — the gift of effectual expression, he could not help moving his minister. He might not always turn his course, but he would always trouble his mind.

In the course of a long reign, a sagacious king would acquire an experience with which few ministers could contend. The king could say, "Have you referred to the transactions which happened during such and such an administration, I think about fourteen years ago? They afford an instructive example of the bad results which are sure to attend the policy which you propose. You did not at that time take so prominent a part in public life as you now do, and it is possible you do not fully remember all the events. I should recommend you to recur to them, and to discuss them with your older colleagues who took part in them. It is unwise to recommence a policy which so lately worked so ill." The king would indeed have the advantage which a permanent

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under-secretary has over his superior the parliamentary secretary,— that of having shared in the proceedings of the previous parliamentary secretaries. These proceedings were part of his own life: occupied the best of his thoughts, gave him perhaps anxiety, perhaps pleasure, were commenced in spite of his dissuasion or were sanctioned by his approval. The parliamentary secretary vaguely remembers that something was done in the time of some of his predecessors, when he very likely did not know the least or care the least about that sort of public business; he has to begin by learning painfully and imperfectly what the permanent secretary knows by clear and instant memory. No doubt a parliamentary secretary always can, and sometimes does, silence his subordinate by the tacit might of his superior dignity; he says, "I do not think there is much in all that. Many errors were committed at the time you refer to which we need not now discuss." A pompous man easily sweeps away the suggestions of those beneath him. But though a minister may so deal with his subordinate, he cannot so deal with his king. The social force of admitted superiority, by which he overturned his under-secretary, is now not with him but against him; he has no longer to regard the deferential hints of an acknowledged inferior, but to answer the arguments of a superior to whom he has himself to be respectful. George III. in fact knew the forms of public business as well [as] or better than any statesman of his time: if in addition to his capacity as a man of business and to his industry he had possessed the higher faculties of a discerning statesman, his influence would have been despotic. The old Constitution of England undoubtedly gave a sort of power to the Crown which our present Constitution does not give: while a majority in Parliament was principally purchased by royal patronage, the king was a party to the bargain either with his minister or without his minister. But even under

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our present Constitution a monarch like George III., with high abilities, would possess the greatest influence. It is known to all Europe that in Belgium, King Leopold has exercised immense power by the use of such means as I have described.

It is known, too, to every one conversant with the real course of the recent history of England, that Prince Albert really did gain great power in precisely the same way. He had the rare gifts of a constitutional monarch; if his life had been prolonged twenty years, his name would have been known to Europe as that of King Leopold is known. While he lived he was at a disadvantage: the statesmen who had most power in England were men of far greater experience than himself. He might, and no doubt did, exercise a great if not a commanding influence over Lord Malmesbury; but he could not rule Lord Palmerston. The old statesman who governed England at an age when most men are unfit to govern their own families remembered a whole generation of statesmen who were dead before Prince Albert was born. The two were of different ages and different natures: the elaborateness of the German prince — an elaborateness which has been justly and happily compared with that of Goethe — was wholly alien to the half-Irish, half-English statesman; the somewhat boisterous courage in minor dangers, and the obtrusive use of an always effectual but not always refined commonplace, which are Lord Palmerston's defects, doubtless grated on Prince Albert, who had a scholar's caution and a scholar's courage. The facts will be known to our children's children, though not to us. Prince Albert did much, but he died ere he could have made his influence felt on a generation of statesmen less experienced than he was, and anxious to learn from him.

It would be childish to suppose that a conference between a minister and his sovereign can ever be a conference of pure argument. "The divinity which doth hedge a king" may have less sanctity than it

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had, but it still has much sanctity. No one, or scarcely any one, can argue with a cabinet minister in his own room as well as he would argue with another man in another room: he cannot make his own points as well, he cannot unmake as well the points presented to him. A monarch's room is worse. The best instance is Lord Chatham, the most dictatorial and imperious of English statesmen, and almost the first English statesman who was borne into power against the wishes of the king and against the wishes of the nobility,—the first popular minister. We might have expected a proud tribune of the people to be dictatorial to his sovereign,—to be to the king what he was to all others. On the contrary, he was the slave of his own imagination; there was a kind of mystic enchantment in vicinity to the monarch which divested him of his ordinary nature. "The last peep into the king's closet," said Mr. Burke, "intoxicates him, and will to the end of his life." A wit said that even at the levée he bowed so low that you could see the tip of his hooked nose between his legs. He was in the habit of kneeling at the bedside of George III. while transacting business. Now, no man can *argue* on his knees: the same superstitious feeling which keeps him in that physical attitude will keep him in a corresponding mental attitude. He will not refute the bad arguments of the king as he will refute another man's bad arguments; he will not state his own best arguments effectively and incisively when he knows that the king would not like to hear them. In a nearly balanced argument the king must always have the better, and in politics many most important arguments are nearly balanced. Whenever there was much to be said for the king's opinion, it would have its full weight; whatever was said for the minister's opinions would only have a lessened and enfeebled weight.

The king, too, possesses a power, according to theory for extreme use on a critical occasion, but

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which he can in law use on any occasion,—he can dissolve; he can say to his minister in fact, if not in words, "This Parliament sent you here, but I will see if I cannot get another Parliament to send some one else here." George III. well understood that it was best to take his stand at times and on points when it was perhaps likely, or at any rate not unlikely, the nation would support him. He always made a minister that he did not like, tremble at the shadow of a possible successor. He had a cunning in such matters like the cunning of insanity. He had conflicts with the ablest men of his time, and he was hardly ever baffled. He understood how to help a feeble argument by a tacit threat, and how best to address it to a habitual deference.

Perhaps such powers as these are what a wise man would most seek to exercise and least fear to possess. To wish to be a despot, "to hunger after tyranny," as the Greek phrase had it, marks in our day an uncultivated mind. A person who so wishes cannot have weighed what Butler calls the "doubtfulness things are involved in." To be sure you are right to impose your will, or to wish to impose it, with violence upon others; to see your own ideas vividly and fixedly, and to be tormented till you can apply them in life and practice; not to like to hear the opinions of others, to be unable to sit down and weigh the truth they have,—are but crude states of intellect in our present civilization. We know at least that facts are many; that progress is complicated; that burning ideas (such as young men have) are mostly false and always incomplete. The notion of a far-seeing and despotic statesman, who can lay down plans for ages yet unborn, is a fancy generated by the pride of the human intellect, to which facts give no support. The plans of Charlemagne died with him; those of Richelieu were mistaken, those of Napoleon gigantesque and frantic. But a wise and great constitutional monarch attempts no such

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vanities. His career is not in the air: he labors in the world of sober fact; he deals with schemes which can be effected, schemes which are desirable, schemes which are worth the cost. He says to the ministry his people send to him, to ministry after ministry, "I think so and so: do you see if there is anything in it. I have put down my reasons in a certain memorandum, which I will give you. Probably it does not exhaust the subject, but it will suggest materials for your consideration." By years of discussion with ministry after ministry, the best plans of the wisest king would certainly be adopted, and the inferior plans, the impracticable plans, rooted out and rejected. He could not be uselessly beyond his time, for he would have been obliged to convince the representatives — the characteristic men — of his time. He would have the best means of proving that he was right on all new and strange matters; for he would have won to his side, probably, after years of discussion, the chosen agents of the commonplace world, — men who were where they were because they had pleased the men of the existing age, who will never be much disposed to new conceptions or profound thoughts. A sagacious and original constitutional monarch might go to his grave in peace if any man could: he would know that his best laws were in harmony with his age; that they suited the people who were to work them, the people who were to be benefited by them. And he would have passed a happy life: he would have passed a life in which he could always get his arguments heard; in which he could always make those who had the responsibility of action think of them before they acted; in which he could know that the schemes which he had set at work in the world were not the casual accidents of an individual idiosyncrasy, which are mostly much wrong, but the likeliest of all things to be right, — the ideas of one very intelligent man at last accepted and acted on by the ordinary intelligent many.

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But can we expect such a king — or (for that is the material point) can we expect a lineal series of such kings? Every one has heard the reply of the Emperor Alexander to Madame de Staël, who favored him with a declamation in praise of beneficent despotism: "Yes, Madame, but it is only a happy accident." He well knew that the great abilities and the good intentions necessary to make an efficient and good despot never were continuously combined in any line of rulers; he knew that they were far out of reach of hereditary human nature. Can it be said that the characteristic qualities of a constitutional monarch are more within its reach? I am afraid it cannot. We found just now that the characteristic use of a hereditary constitutional monarch at the outset of an administration greatly surpassed the ordinary competence of hereditary faculties: I fear that an impartial investigation will establish the same conclusion as to his uses during the continuance of an administration.

If we look at history, we shall find that it is only during the period of the present reign that in England the duties of a constitutional sovereign have ever been well performed. The first two Georges were ignorant of English affairs, and wholly unable to guide them whether well or ill, — for many years in their time the Prime Minister had, over and above the labor of managing Parliament, to manage the woman — sometimes the queen, sometimes the mistress — who managed the sovereign; George III. interfered unceasingly, but he did harm unceasingly; George IV. and William IV. gave no steady continuing guidance, and were unfit to give it. On the Continent, in first-class countries, constitutional royalty has never lasted out of one generation. Louis Philippe, Victor Emmanuel, and Leopold are the founders of their dynasties: we must not reckon in constitutional monarchy, any more than in despotic monarchy, on the permanence in the descendants of

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the peculiar genius which founded the race. As far as experience goes, there is no reason to expect a hereditary series of useful limited monarchs.

If we look to theory, there is even less reason to expect it. A monarch is useful when he gives an effectual and beneficial guidance to his ministers. But these ministers are sure to be among the ablest men of their time: they will have had to conduct the business of parliament so as to satisfy it, they will have to speak so as to satisfy it; the two together cannot be done save by a man of very great and varied ability. The exercise of the two gifts is sure to teach a man much of the world; and if it did not, a parliamentary leader has to pass through a magnificent training before he becomes a leader: he has to gain a seat in parliament, to gain the ear of parliament, to gain the confidence of parliament, to gain the confidence of his colleagues. No one can achieve these — no one, still more, can both achieve them and retain them — without a singular ability, nicely trained in the varied detail of life. What chance has a hereditary monarch such as nature forces him to be, such as history shows he is, against men so educated and so born? He can but be an average man to begin with: sometimes he will be clever, but sometimes he will be stupid; in the long run he will be neither clever nor stupid, — he will be the simple, common man who plods the plain routine of life from the cradle to the grave. His education will be that of one who has never had to struggle; who has always felt that he has nothing to gain; who has had the first dignity given him; who has never seen common life as in truth it is. It is idle to expect an ordinary man born in the purple to have greater genius than an extraordinary man born out of the purple; to expect a man whose place has always been fixed to have a better judgment than one who has lived by his judgment; to expect a man whose career will be the same whether he is discreet

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or whether he is indiscreet to have the nice discretion of one who has risen by his wisdom, who will fall if he ceases to be wise.

The characteristic advantage of a constitutional king is the permanence of his place: this gives him the opportunity of acquiring a consecutive knowledge of complex transactions; but it gives only an opportunity,—the king must use it. There is no royal road to political affairs: their detail is vast, disagreeable, complicated, and miscellaneous. A king, to be the equal of his ministers in discussion, must work as they work; he must be a man of business as they are men of business: yet a constitutional prince is the man who is most tempted to pleasure, and the least forced to business. A despot must feel that he is the pivot of the state: the stress of his kingdom is upon him; as he is, so are his affairs. He may be seduced into pleasure, he may neglect all else, but the risk is evident: he will hurt himself; he may cause a revolution; if he becomes unfit to govern, some one else who is fit may conspire against him. But a constitutional king need fear nothing: he may neglect his duties, but he will not be injured,—his place will be as fixed, his income as permanent, his opportunities of selfish enjoyment as full as ever: why should he work? It is true, he will lose the quiet and secret influence which in the course of years, industry would gain for him; but an eager young man, on whom the world is squandering its luxuries and its temptations, will not be much attracted by the distant prospect of a moderate influence over dull matters. He may form good intentions; he may say, "Next year I *will* read these papers; I will try and ask more questions; I will not let these women talk to me so:" but they will talk to him. The most hopeless idleness is that most smoothed with excellent plans. "Lord Treasurer,"* says Swift, "told Mr. Lewis that it should be determined to-night,

* Harley.

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and so he will say a hundred nights."* We may depend upon it, the ministry whose power will be lessened by the prince's attention will not be too eager to get him to attend.

So it is if the prince come young to the throne; but the case is worse when he comes to it old or middle-aged. He is then unfit to work; he will then have spent the whole of youth and the first part of manhood in idleness, and it is unnatural to expect him to labor. A pleasure-loving lounger in middle life will not begin to work as George III. worked or as Prince Albert worked. The only fit material for a constitutional king is a prince who begins early to reign, who in his youth is superior to pleasure, who in his youth is willing to labor, who has by nature a genius for discretion. Such kings are among God's greatest gifts, but they are also among his rarest.

An ordinary idle king on a constitutional throne will leave no mark on his time; he will do little good and as little harm; the royal form of cabinet government will work in his time pretty much as the unroyal. The addition of a cipher will not matter though it take precedence of the significant figures. But *corruptio optimi pessima:* the most evil case of the royal form is far worse than the most evil case of the unroyal. It is easy to imagine, upon a constitutional throne, an active and meddling fool who always acts when he should not, who never acts when he should, who warns his ministers against their judicious measures, who encourages them in their injudicious measures. It is easy to imagine that such a king should be the tool of others; that favorites should guide him, that mistresses should corrupt him; that the atmosphere of a bad court should be used to degrade free government.

We have had an awful instance of the dangers of constitutional royalty; we have had the case of

*"Journal to Stella," Letter lxiii.

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a meddling maniac. During great part of his life George III.'s reason was half upset by every crisis. Throughout his life he had an obstinacy akin to that of insanity. He was an obstinate and an evil influence: he could not be turned from what was inexpedient; by the aid of his station he turned truer but weaker men from what was expedient. He gave an excellent moral example to his contemporaries; but he is an instance of those whose good dies with them, while their evil lives after them. He prolonged the American war, perhaps he caused the American war, so we inherit the vestiges of an American hatred; he forbade Mr. Pitt's wise plans, so we inherit an Irish difficulty. He would not let us do right in time, so now our attempts at right are out of time and fruitless. Constitutional royalty under an active and half-insane king is one of the worst of governments: there is in it a secret power which is always eager, which is generally obstinate, which is often wrong, which rules ministers more than they know themselves, which overpowers them much more than the public believe, which is irresponsible because it is inscrutable, which cannot be prevented because it cannot be seen. The benefits of a good monarch are almost invaluable, but the evils of a bad monarch are almost irreparable.

We shall find these conclusions confirmed if we examine the powers and duties of an English monarch at the break-up of an administration. But the power of dissolution and the prerogative of creating peers, the cardinal powers of that moment, are too important and involve too many complex matters to be sufficiently treated at the very end of a paper as long as this.

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V.

THE HOUSE OF LORDS.

In my last essay I showed that it was possible for a constitutional monarch to be, when occasion served, of first-rate use both at the outset and during the continuance of an administration; but that in matter of fact it was not likely that he would be useful: the requisite ideas, habits, and faculties far surpass the usual competence of an average man, educated in the common manner of sovereigns. The same arguments are entirely applicable at the close of an administration; but at that conjuncture the two most singular prerogatives of an English king — the power of creating new peers and the power of dissolving the Commons — come into play, and we cannot duly criticize the use or misuse of these powers till we know what the peers are and what the House of Commons is.

The use of the House of Lords — or rather of the Lords, in its dignified capacity — is very great. It does not attract so much reverence as the Queen, but it attracts very much. The office of an order of nobility is to impose on the common people; not necessarily to impose on them what is untrue, yet less what is hurtful, but still to impose on their quiescent imaginations what would not otherwise be there. The fancy of the mass of men is incredibly weak: it can see nothing without a visible symbol, and there is much that it can scarcely make out with a symbol. Nobility is the symbol of mind: it has the marks from which the mass of men always used to infer mind, and often still infer it. A common clever man

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who goes into a country place will get no reverence: but the "old Squire" will get reverence; even after he is insolvent, when every one knows that his ruin is but a question of time, he will get five times as much respect from the common peasantry as the newly made rich man who sits beside him; the common peasantry will listen to his nonsense more submissively than to the new man's sense. An old lord will get infinite respect; his very existence is so far useful that it awakens the sensation of obedience to a *sort* of mind in the coarse, dull, contracted multitude, who could neither appreciate nor perceive any other.

The order of nobility is of great use, too, not only in what it creates but in what it prevents: it prevents the rule of wealth, the religion of gold. This is the obvious and natural idol of the Anglo-Saxon. He is always trying to make money; he reckons everything in coin; he bows down before a great heap, and sneers as he passes a little heap: he has a "natural instinctive admiration of wealth for its own sake." And within good limits the feeling is quite right: so long as we play the game of industry vigorously and eagerly (and I hope we shall long play it, for we must be very different from what we are if we do anything better), we shall of necessity respect and admire those who play successfully, and a little despise those who play unsuccessfully. Whether this feeling be right or wrong, it is useless to discuss: to a certain degree it is involuntary. It is not for mortals to settle whether we will have it or not: nature settles for us that within moderate limits we must have it. But the admiration of wealth in many countries goes far beyond this: it ceases to regard in any degree the skill of acquisition; it respects wealth in the hands of the inheritor just as much as in the hands of the maker; it is a simple envy and love of a heap of gold as a heap of gold. From this our aristocracy preserves us: there is no country where "a poor devil of a millionaire is so ill off as in

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England";* the experiment is tried every day, and every day it is proved that money alone — money *pur et simple* — will not buy "London Society." Money is kept down, and so to say cowed, by the predominant authority of a different power.

But it may be said that this is no gain; that worship for worship, the worship of money is as good as the worship of rank. Even granting that it were so, it is a great gain to society to have two idols: in the competition of idolatries, the true worship gets a chance. But it is not true that the reverence for rank — at least for hereditary rank — is as base as the reverence for money. As the world has gone, manner has been half hereditary in certain castes, and manner is one of the fine arts: it is the *style* of society; it is in the daily spoken intercourse of human beings what the art of literary expression is in their occasional written intercourse. In reverencing wealth we reverence not a man, but an appendix to a man; in reverencing inherited nobility, we reverence the probable possession of a great faculty, — the faculty of bringing out what is in one. The unconscious grace of life *may* be in the middle classes, — finely mannered persons are born everywhere; but it *ought* to be in the aristocracy, and a man must be born with a hitch in his nerves if he has not some of it. It is a physiological possession of the race, though it is sometimes wanting in the individual.

There is a third idolatry from which that of rank preserves us, and perhaps it is the worst of any, — that of office. The basest deity is a subordinate employee, and yet just now in civilized governments it is the commonest; in France and all the best of the Continent it rules like a superstition. It is to no purpose that you prove that the pay of petty officials is smaller than mercantile pay; that their work is more monotonous than mercantile work; that their mind is less useful and their life more tame: they are still thought to be greater and better. They are

* "Occupies so humble a position." — Kinglake's "Eöthen," Chap. vii.

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decorés, — they have a little red on the left breast of their coat; and no argument will answer that. In England, by the odd course of our society, what a theorist would desire has in fact turned up: the great offices (whether permanent or parliamentary) which require mind now give social prestige, and almost only those. An Under-Secretary of State with £2,000 a year is a much greater man than the director of a finance company with £5,000, and the country saves the difference; but except in a few offices like the Treasury, which were once filled with aristocratic people, and have an odor of nobility at second hand, minor place is of no social use. A big grocer despises the exciseman; and — what in many countries would be thought impossible — the exciseman envies the grocer. Solid wealth tells where there is no artificial dignity given to petty public functions. A clerk in the public service is "nobody," and you could not make a common Englishman see why he should be anybody.

But it must be owned that this turning of society into a political expedient has half spoiled it. A great part of the "best" English people keep their mind in a state of decorous dullness. They maintain their dignity; they get obeyed; they are good and charitable to their dependents: but they have no notion of *play* of mind, no conception that the charm of society depends upon it. They think cleverness an antic, and have a constant though needless horror of being thought to have any of it. So much does this stiff dignity give the tone, that the few Englishmen capable of social brilliancy mostly secrete it: they reserve it for persons whom they can trust, and whom they know to be capable of appreciating its *nuances*. But a good government is well worth a great deal of social dullness. The dignified torpor of English society is inevitable if we give precedence not to the cleverest classes but to the oldest classes, and we have seen how useful that is.

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The social prestige of the aristocracy is, as every one knows, immensely less than it was a hundred years or even fifty years since. Two great movements — the two greatest of modern society — have been unfavorable to it. The rise of industrial wealth in countless forms has brought in a competitor which has generally more mind, and which would be supreme were it not for awkwardness and intellectual *gêne*. Every day our companies, our railways, our debentures, and our shares tend more and more to multiply these *surroundings* of the aristocracy, and in time they will hide it. And while this undergrowth has come up, the aristocracy have come down: they have less means of standing out than they used to have. Their power is in their theatrical exhibition, in their state; but society is every day becoming less stately. As our great satirist has observed, "The last Duke of St. David's used to cover the north road with his carriages; landladies and waiters bowed before him: the present Duke sneaks away from a railway station, smoking a cigar, in a brougham." The aristocracy cannot lead the old life if they would: they are ruled by a stronger power. They suffer from the tendency of all modern society to raise the average, and to lower — comparatively and perhaps absolutely to lower — the summit. As the picturesqueness, the featureliness of society diminishes, aristocracy loses the single instrument of its peculiar power.

If we remember the great reverence which used to be paid to nobility as such, we shall be surprised that the House of Lords, as an assembly, has always been inferior; that it was always just as now, not the first but the second of our assemblies. I am not, of course, now speaking of the Middle Ages; I am not dealing with the embryo or the infant form of our Constitution, I am only speaking of its adult form. Take the times of Sir R. Walpole. He was Prime Minister because he managed the House of Commons; he was turned out because he was beaten

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on an election petition in that House; he ruled England because he ruled that House. Yet the nobility were then the governing power in England. In many districts the word of some lord was law: the "wicked Lord Lowther," as he was called, left a name of terror in Westmoreland during the memory of men now living. A great part of the borough members and a great part of the county members were their nominees; an obedient, unquestioning deference was paid them. As individuals the peers were the greatest people; as a House the collected peers were but the second House.

Several causes contributed to create this anomaly, but the main cause was a natural one: the House of Peers has never been a House where the most important peers were most important. It could not be so: the qualities which fit a man for marked eminence in a deliberative assembly are not hereditary, and are not coupled with great estates. In the nation, in the provinces, in his own province, a Duke of Devonshire or a Duke of Bedford was a much greater man than Lord Thurlow: they had great estates, many boroughs, innumerable retainers, followings like a court; Lord Thurlow had no boroughs, no retainers,—he lived on his salary. Till the House of Lords met, the dukes were not only the greatest but immeasurably the greatest; but as soon as the House met, Lord Thurlow became the greatest: he could speak, and the others could not speak; he could transact business in half an hour which they could not have transacted in a day, or could not have transacted at all. When some foolish peer, who disliked his domination, sneered at his birth, he had words to meet the case: he said it was better for any one to owe his place to his own exertions than to owe it to descent, to being the "accident of an accident." But such a House as this could not be pleasant to great noblemen: they could not like to be second in their own assembly (and yet that was their position from

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age to age) to a lawyer who was of yesterday, whom everybody could remember without briefs, who had talked for "hire," who had "hungered after six-and-eightpence." Great peers did not gain glory from the House; on the contrary, they lost glory when they were in the House. They devised two expedients to get out of this difficulty: they invented proxies which enabled them to vote without being present, — without being offended by vigor and invective, without being vexed by ridicule, without leaving the rural mansion or the town palace where they were demi-gods; and what was more effectual still, they used their influence in the House of Commons instead of the House of Lords, — in that indirect manner a rural potentate who half returned two county members and wholly returned two borough members, who perhaps gave seats to members of the Government, who possibly seated the leader of the Opposition, became a much greater man than by sitting on his own bench, in his own House, hearing a chancellor talk. The House of Lords was a second-rate force even when the peers were a first-rate force, because the greatest peers — those who had the greatest social importance — did not care for their own House or like it, but gained great part of their political power by a hidden but potent influence in the competing House.

When we cease to look at the House of Lords under its dignified aspect, and come to regard it under its strictly useful aspect, we find the literary theory of the English Constitution wholly wrong, as usual. This theory says that the House of Lords is a co-ordinate estate of the realm, of equal rank with the House of Commons; that it is the aristocratic branch just as the Commons is the popular branch, and that by the principle of our Constitution the aristocratic branch has equal authority with the popular branch. So utterly false is this doctrine, that it is a remarkable peculiarity, a capital excellence of the British Constitution, that it contains a sort of

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upper House which is not of equal authority to the lower House, yet still has some authority.

The evil of two co-equal houses of distinct natures is obvious: each house can stop all legislation, and yet some legislation may be necessary. At this moment we have the best instance of this which could be conceived: the upper house of our Victorian Constitution, representing the rich wool-growers, has disagreed with the lower Assembly, and most business is suspended; but for a most curious stratagem the machine of government would stand still. Most constitutions have committed this blunder; the two most remarkable republican institutions in the world commit it. In both the American and the Swiss Constitutions the upper house has as much authority as the second: it could produce the maximum of impediment, the dead-lock, if it liked; if it does not do so, it is owing not to the goodness of the legal Constitution, but to the discreetness of the members of the chamber. In both these Constitutions, this dangerous division is defended by a peculiar doctrine with which I have nothing to do now: it is said that there must be in a federal government some institution, some authority, some body possessing a veto, in which the separate states composing the confederation are all equal. I confess this doctrine has to me no self-evidence, and it is assumed but not proved: the State of Delaware is *not* equal in power or influence to the State of New York, and you cannot make it so by giving it an equal veto in an upper chamber. The history of such an institution is indeed most natural: a little state will like and must like to see some token, some memorial mark of its old independence preserved in the constitution by which that independence is extinguished; but it is one thing for an institution to be natural, and another for it to be expedient. If indeed it be that a federal government compels the erection of an upper chamber of conclusive and co-ordinate authority, it is one more in addition to

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the many other inherent defects of that kind of government; it may be necessary to have the blemish, but it is a blemish just as much.

There ought to be in every constitution an available authority somewhere; the sovereign power must be *come-at-able:* and the English have made it so. The House of Lords, at the passing of the Reform Act of 1832, was as unwilling to concur with the House of Commons as the upper chamber at Victoria to concur with the lower chamber; but it did concur. The Crown has the authority to create new peers, and the king of the day had promised the ministry of the day to create them; the House of Lords did not like the precedent, and they passed the bill. The power was not used, but its existence was as useful as its energy: just as the knowledge that his men *can* strike makes a master yield in order that they may not strike, so the knowledge that their House could be swamped at the will of the king—at the will of the people—made the Lords yield to the people.

From the Reform Act the function of the House of Lords has been altered in English history. Before that act it was, if not a directing chamber, at least a chamber of directors: the leading nobles, who had most influence in the Commons and swayed the Commons, sat there. Aristocratic influence was so powerful in the House of Commons that there never was any serious breach of unity; when the Houses quarreled, it was, as in the great Aylesbury case, about their respective privileges, and not about the national policy. The influence of the nobility was then so potent that it was not necessary to exert it. The English Constitution, though then on this point very different from what it now is, did not even then contain the blunder of the Victorian or of the Swiss Constitution: it had not two Houses of distinct origin, it had two Houses of common origin,—two Houses in which the predominant element was the same. The danger of discordance was obviated by a latent unity.

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Since the Reform Act the House of Lords has become a revising and suspending House. It can alter bills; it can reject bills on which the House of Commons is not yet thoroughly in earnest, upon which the nation is not yet determined. Their veto is a sort of hypothetical veto: they say, We reject your bill for this once, or these twice, or even these thrice; but if you keep on sending it up, at last we won't reject it. The House has ceased to be one of latent directors, and has become one of temporary rejecters and palpable alterers.

It is the sole claim of the Duke of Wellington to the name of a statesman that he presided over this change. He wished to guide the Lords to their true position, and he did guide them. In 1846, in the crisis of the Corn Law struggle, and when it was a question whether the House of Lords should resist or yield, he wrote a very curious letter to the late Lord Derby:—

"For many years — indeed, from the year 1830, when I retired from office — I have endeavored to manage the House of Lords upon the principle on which I conceive that the institution exists in the Constitution of the country, — that of conservatism. I have invariably objected to all violent and extreme measures; which is not exactly the mode of acquiring influence in a political party in England, particularly one in opposition to Government. I have invariably supported Government in Parliament upon important occasions, and have always exercised my personal influence to prevent the mischief of anything like a difference or division between the two Houses, — of which there are some remarkable instances, to which I will advert here, as they will tend to show you the nature of my management, and possibly in some degree account for the extraordinary power which I have for so many years exercised, without any apparent claim to it.

"Upon finding the difficulties in which the late King William was involved by a promise made to create peers (the number, I believe, indefinite), I determined myself, and I prevailed upon others (the number very large) to be absent from the House in the discussion of the first stages of the Reform Bill, after the negotiations had failed for the formation of a new administration. This course gave at the time great dissatisfaction to the party; notwithstanding

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that, I believe it saved the existence of the House of Lords at the time, and the Constitution of the country.

"Subsequently, throughout the period from 1835 to 1841, I prevailed upon the House of Lords to depart from many principles and systems which they as well as I had adopted and voted, on Irish tithes, Irish corporations, and other measures, — much to the vexation and annoyance of many. But I recollect one particular measure, the union of the provinces of Upper and Lower Canada, in the early stages of which I had spoken in opposition to the measure, and had protested against it; and in the last stages of it I prevailed upon the House to agree to and pass it, in order to avoid the injury to the public interests of a dispute between the Houses upon a question of such importance.

"Then I supported the measures of the Government, and protected the servant of the Government, Captain Elliot, in China. All of which tended to weaken my influence with some of the party; others, possibly a majority, might have approved of the course which I took.

"It was at the same time well known that from the commencement at least of Lord Melbourne's Government, I was in constant communication with it upon all military matters, whether occurring at home or abroad, at all events; but likewise upon many others.

"All this tended, of course, to diminish my influence in the Conservative party, while it tended essentially to the ease and satisfaction of the Sovereign, and to the maintenance of good order. At length came the resignation of the Government by Sir Robert Peel in the month of December last, and the Queen desiring Lord John Russell to form an administration.

"On the 12th of December the Queen wrote to me the letter of which I inclose the copy and the copy of my answer of the same date; of which it appears that you have never seen copies, although I communicated them immediately to Sir Robert Peel.

"It was impossible for me to act otherwise than is indicated in my letter to the Queen. I am the servant of the Crown and people; I have been paid and rewarded, and I consider myself retained, and that I can't do otherwise than serve as required, when I can do so without dishonor, — that is to say, as long as I have health and strength to enable me to serve: but it is obvious that there is, and there must be, an end of all connection and counsel between party and me. I might with consistency, and some may think that I ought to, have declined to belong to Sir Robert Peel's Cabinet on the night of the 20th of December. But my opinion is, that if I had, Sir Robert Peel's Government would not have been framed; that we should have had —— and —— in office next morning.

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"But at all events, it is quite obvious that when that arrangement comes, which sooner or later must come, there will be an end to all influence on my part over the Conservative party, if I should be so indiscreet as to attempt to exercise any. You will see, therefore, that the stage is quite clear for you, and that you need not apprehend the consequences of differing in opinion from me when you will enter upon it; as in truth I have, by my letter to the Queen of the 12th of December, put an end to the connection between the party and me, when the party will be in opposition to her Majesty's Government.

"My opinion is, that the great object of all is, that you should assume the station and exercise the influence which I have so long exercised in the House of Lords.

"The question is, How is that object to be attained? by guiding their opinion and decision, or by following it?

"You will see that I have endeavored to guide their opinion, and have succeeded upon some most remarkable occasions; but it has been by a good deal of management.

"Upon the important occasion and question now before the House, I propose to endeavor to induce them to avoid to involve the country in the additional difficulties of a difference of opinion, possibly a dispute, between the Houses, on a question in the decision of which it has been frequently asserted that their Lordships had a personal interest; which assertion, however false as affecting each of them personally, could not be denied as affecting the proprietors of land in general.

"I am aware of the difficulty, but I don't despair of carrying the bill through.

"You must be the best judge of the course which you ought to take, and of the course most likely to conciliate the confidence of the House of Lords. My opinion is, that you should advise the House to vote that which would tend most to public order and would be most beneficial to the immediate interests of the country."*

This is the mode in which the House of Lords came to be what it now is,—a chamber with (in most cases) a veto of delay, with (in most cases) a power of revision, but with no other rights or powers. The question we have to answer is, The House of Lords being such, what is the use of the Lords?

The common notion evidently fails, that it is a bulwark against imminent revolution. As the Duke's

*Gleig's "Life of Wellington," Vol. iv., Chap. v. (Feb. 19, 1846).

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letter in every line evinces, the wisest members — the guiding members of the House — know that the House must yield to the people if the people is determined. The two cases — that of the Reform Act and the Corn Laws — were decisive cases: the great majority of the Lords thought Reform revolution, Free Trade confiscation, and the two together ruin; if they could ever have been trusted to resist the people, they would then have resisted it. But in truth it is idle to expect a second chamber, a chamber of notables, ever to resist a popular chamber, a nation's chamber, when that chamber is vehement and the nation vehement too: there is no strength in it for that purpose. Every class chamber — every minority chamber, so to speak — feels weak and helpless when the nation is excited. In a time of revolution there are but two powers, the sword and the people. The executive commands the sword: the great lesson which the first Napoleon taught the Parisian populace — the contribution he made to the theory of revolutions at the 18th Brumaire — is now well known. Any strong soldier at the head of the army can use the army: but a second chamber cannot use it, — it is a pacific assembly, composed of timid peers, aged lawyers, or (as abroad) clever *littérateurs;* such a body has no force to put down the nation, and if the nation will have it do something it must do it.

The very nature, too, — as has been seen, — of the Lords in the English Constitution shows that it cannot stop revolution. The Constitution contains an exceptional provision to prevent its stopping it: the executive, the appointee of the popular chamber and the nation, can make new peers and so create a majority in the Peers; it can say to the Lords, "Use the powers of your House as we like or you shall not use them at all, — we will find others to use them; your virtue shall go out of you if it is not used as we like and stopped when we please." An assembly under such a threat cannot arrest, and could not be

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intended to arrest, a determined and insisting executive.

In fact, the House of Lords, as a House, is not a bulwark that will keep out revolution, but an index that revolution is unlikely. Resting as it does upon old deference and inveterate homage, it shows that the spasm of new forces, the outbreak of new agencies, which we call revolution, is for the time simply impossible. So long as many old leaves linger on the November trees, you know that there has been little frost and no wind; just so, while the House of Lords retains much power you may know that there is no desperate discontent in the country, no wild agency likely to cause a great demolition.

There used to be a singular idea that two chambers, a revising chamber and a suggesting chamber, were essential to a free government. The first person who threw a hard stone — an effectually hitting stone — against the theory was one very little likely to be favorable to democratic influence, or to be blind to the use of aristocracy; it was the present Lord Grey. He had to look at the matter practically: he was the first great colonial minister of England who ever set himself to introduce representative institutions into *all* her capable colonies; and the difficulty stared him in the face that in those colonies there were hardly enough good people for one assembly, and not near enough good people for two assemblies. It happened — and most naturally happened — that a second assembly was mischievous. The second assembly was either the nominee of the Crown, which in such places naturally allied itself with [the] better instructed minds, or was elected by people with a higher property qualification, — some peculiarly well-judging people; both these choosers chose the best men in the colony, and put them into the second assembly: but thus the popular assembly was left without those best men, the popular assembly was denuded of those guides and those leaders who would have

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led and guided it best. Those superior men were put aside to talk to one another, and perhaps dispute with one another; they were a concentrated instance of high but neutralized forces, — they wished to do good, but they could do nothing. The lower House, with all the best people in the colony extracted, did what it liked; the democracy was strengthened rather than weakened by the isolation of its best opponents in a weak position. As soon as experience had shown this, or seemed to show it, the theory that two chambers were essential to a good and free government vanished away.

With a perfect lower house it is certain that an upper house would be scarcely of any value. If we had an ideal House of Commons perfectly representing the nation, always moderate, never passionate, abounding in men of leisure, never omitting the slow and steady forms necessary for good consideration, it is certain that we should not need a higher chamber: the work would be done so well that we should not want any one to look over or revise it. And whatever is unnecessary in government is pernicious. Human life makes so much complexity necessary that an artificial addition is sure to do harm: you cannot tell where the needless bit of machinery will catch and clog the hundred needful wheels, but the chances are conclusive that it will impede them somewhere, so nice are they and so delicate. But though beside an ideal House of Commons the Lords would be unnecessary, and therefore pernicious, beside the actual House a revising and leisured legislature is extremely useful, if not quite necessary.

At present the chance majorities on minor questions in the House of Commons are subject to no effectual control. The nation never attends to any but the principal matters of policy and state; upon these it forms that rude, rough, ruling judgment which we call public opinion: but upon other things it does not think at all, and it would be useless for

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it to think,—it has not the materials for forming a judgment. The detail of bills, the instrumental part of policy, the latent part of legislation, are wholly out of its way; it knows nothing about them, and could not find time or labor for the careful investigation by which alone they can be apprehended. A casual majority of the House of Commons has therefore dominant power: it can legislate as it wishes. And though the whole House of Commons upon great subjects very fairly represents public opinion, and though its judgment upon minor questions is, from some secret excellences in its composition, remarkably sound and good, yet like all similar assemblies it is subject to the sudden action of selfish combinations. There are said to be two hundred "members for the railways" in the present Parliament: if these two hundred choose to combine on a point which the public does not care for, and which they care for because it affects their purse[s], they are absolute. A formidable sinister interest may always obtain the complete command of a dominant assembly by some chance and for a moment; and it is therefore of great use to have a second chamber of an opposite sort, differently composed, in which that interest in all likelihood will not rule.

The most dangerous of all sinister interests is that of the executive Government, because it is the most powerful. It is perfectly possible—it has happened, and will happen again—that the Cabinet, being very powerful in the Commons, may inflict minor measures on the nation which the nation does not like, but which it does not understand enough to forbid. If, therefore, a tribunal of revision can be found in which the executive, though powerful, is less powerful, the government will be the better; the retarding chamber will impede minor instances of parliamentary tyranny, though it will not prevent or much impede revolution.

Every large assembly is moreover a fluctuating

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body: it is not one house, so to say, but a set of houses; it is one set of men to-night and another to-morrow night. A certain unity is doubtless preserved by the duty which the executive is supposed to undertake, and does undertake, of keeping a house; a constant element is so provided, about which all sorts of variables accumulate and pass away: but even after due allowance for the full weight of this protective machinery, our House of Commons is, as all such chambers must be, subject to sudden turns and bursts of feeling, because the members who compose it change from time to time. The pernicious result is perpetual in our legislation: many acts of Parliament are medleys of different motives, because the majority which passed one set of their clauses is different from that which passed another set.

But the greatest defect of the House of Commons is that it has no leisure. The life of the House is the worst of all lives, a life of distracting routine; it has an amount of business brought before it such as no similar assembly ever has had. The British empire is a miscellaneous aggregate, and each bit of the aggregate brings its bit of business to the House of Commons. It is India one day and Jamaica the next; then again China, and then Schleswig-Holstein. Our legislation touches on all subjects, because our country contains all ingredients. The mere questions which are asked of the ministers run over half human affairs; the private-bill acts, the mere *privilegia* of our government, — subordinate as they ought to be, — probably give the House of Commons more absolute work than the whole business, both national and private, of any other assembly which has ever sat. The whole scene is so incumbered with changing business that it is hard to keep your head in it.

Whatever, too, may be the case hereafter, when a better system has been struck out, at present the House does all the work of legislation — all the detail and all the clauses — itself. One of the most helpless

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exhibitions of helpless ingenuity and wasted mind is a committee of the whole House on a bill of many clauses, which eager enemies are trying to spoil and various friends are trying to mend. An act of Parliament is at least as complex as a marriage settlement; and it is made much as a settlement would be if it were left to the vote and settled by the major part of persons concerned, including the unborn children. There is an advocate for every interest, and every interest clamors for every advantage. The executive Government, by means of its disciplined forces and the few invaluable members who sit and think, preserves some sort of unity; but the result is very imperfect. The best test of a machine is the work it turns out. Let any one who knows what legal documents ought to be, read first a will he has just been making and then an act of Parliament: he will certainly say, "I would have dismissed my attorney if he had done my business as the legislature has done the nation's business." While the House of Commons is what it is, a good revising, regulating, and retarding house would be a benefit of great magnitude.

But is the House of Lords such a chamber? does it do this work? This is almost an undiscussed question. The House of Lords, for thirty years at least, has been in popular discussion an accepted matter; popular passion has not crossed the path, and no vivid imagination has been excited to clear the matter up.

The House of Lords has the greatest merit which such a chamber can have: it is *possible*. It is incredibly difficult to get a revising assembly, because it is difficult to find a class of respected revisers. A federal senate — a second house, which represents state unity — has this advantage: it embodies a feeling at the root of society, a feeling which is older than complicated politics, which is stronger a thousand times over than common political feelings, — the *local* feeling. "My shirt," said the Swiss state-right patriot, "is dearer to me than my coat." Every State

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in the American Union would feel that disrespect to the Senate was disrespect to itself: accordingly, the Senate is respected; whatever may be the merits or demerits of its action, it can act; it is real, independent, and efficient. But in common governments it is fatally difficult to make an *un*popular entity powerful in a popular government.

It is almost the same thing to say that the House of Lords is independent: it would not be powerful, it would not be possible, unless it were known to be independent. The Lords are in several respects more independent than the Commons; their judgment may not be so good a judgment, but it is emphatically their own judgment. The House of Lords, as a body, is accessible to no social bribe; and this in our day is no light matter. Many members of the House of Commons who are to be influenced by no other manner of corruption are much influenced by this its most insidious sort. The conductors of the press and the writers for it are worse, — at least the more influential, who come near the temptation: for "position," as they call it, for a certain intimacy with the aristocracy, some of them would do almost anything and say almost anything. But the Lords are those who give social bribes, and not those who take them; they are above corruption because they are the corrupters. They have no constituency to fear or wheedle; they have the best means of forming a disinterested and cool judgment of any class in the country. They have, too, leisure to form it: they have no occupations to distract them which are worth the name. Field sports are but playthings, though some lords put an Englishman's seriousness into them. Few Englishmen can bury themselves in science or literature; and the aristocracy have less, perhaps, of that impetus than the middle classes. Society is too correct and dull to be an occupation, as in other times and ages it has been: the aristocracy live in the fear of the middle classes, — of the grocer and the

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merchant; they dare not frame a society of enjoyment as the French aristocracy once formed it. Politics are the only occupation a peer has worth the name; he may pursue them undistractedly. The House of Lords, besides independence to revise judicially and position to revise effectually, has leisure to revise intellectually.

These are great merits; and considering how difficult it is to get a good second chamber, and how much with our present first chamber we need a second, we may well be thankful for them. But we must not permit them to blind our eyes: those merits of the Lords have faults close beside them which go far to make them useless. With its wealth, its place, and its leisure, the House of Lords would, on the very surface of the matter, rule us far more than it does if it had not secret defects which hamper and weaken it.

The first of these defects is hardly to be called secret, though on the other hand it is not well known. A severe though not unfriendly critic of our institutions said that "the *cure* for admiring the House of Lords" was "to go and look at it"; to look at it not on a great party field-day, or at a time of parade, but in the ordinary transaction of business. There are perhaps ten peers in the House, possibly only six,—three is the quorum for transacting business; a few more may dawdle in or not dawdle in,—those are the principal speakers, the lawyers (a few years ago, when Lyndhurst, Brougham, and Campbell were in vigor, they were by far the predominant talkers), and a few statesmen whom every one knows, but the mass of the House is nothing. This is why orators trained in the Commons detest to speak in the Lords. Lord Chatham used to call it "The Tapestry." The House of Commons is a scene of life, if ever there was a scene of life: every member in the throng, every atom in the medley has his own objects, good or bad; his own purposes, great or petty; his own notions, such as they are, of what is; his own notions, such

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as they are, of what ought to be. There is a motley confluence of vigorous elements, but the result is one and good. There is a "feeling of the House," a "sense of the House," and no one who knows anything of it can despise it; a very shrewd man of the world went so far as to say that "the House of Commons has more sense than any one in it."* But there is no such "sense" in the House of Lords, because there is no life. The lower chamber is a chamber of eager politicians, the upper (to say the least) of *not* eager ones.

This apathy is not indeed as great as the outside show would indicate: the committees of the Lords (as is well known) do a great deal of work, and do it very well. And such as it is, the apathy is very natural: a House composed of rich men who can vote by proxy without coming will not come very much.† But after every abatement, the real indifference to their duties of most peers is a great defect, and the apparent indifference is a dangerous defect. As far as politics go, there is profound truth in Lord Chesterfield's axiom that "the world must judge of you by what you seem, not by what you are": the world knows what you seem, it does not know what you are. An assembly — a revising assembly especially — which does not assemble, which looks as if it does not care how it revises, is defective in a main political ingredient: it may be of use, but it will hardly convince mankind that it is so.

The next defect is even more serious; it affects not simply the apparent work of the House of Lords, but the real work: for a revising legislature, it is too uniformly made up. Errors are of various kinds; but the constitution of the House of Lords only guards against a single error, — that of too quick change. The Lords — leaving out a few lawyers and a few

* "Has more good taste." — Sydney Smith to Leonard Horner, Vol. ii. of "Memoirs of [Francis] Horner," quoting another (probably "Bobus").

† In accordance with a recent resolution of the House of Lords, proxies are now disused. — B., *note to second edition.*

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outcasts — are all landowners of more or less wealth; they all have more or less the opinions, the merits, the faults of that one class; they revise legislation, as far as they do revise it, exclusively according to the supposed interests, the predominant feelings, the inherited opinions of that class. Since the Reform Act, this uniformity of tendency has been very evident: the Lords have felt — it would be harsh to say hostile, but still dubious, as to the new legislation; there was a spirit in it alien to their spirit, and which when they could they have tried to cast out. That spirit is what has been termed the "modern spirit." It is not easy to concentrate its essence in a phrase, — it lives in our life, animates our actions, suggests our thoughts; we all know what it means, though it would take an essay to limit it and define it. To this the Lords object; wherever it is concerned, they are not impartial revisers but biased revisers.

This singleness of composition would be no fault — it would be or might be even a merit — if the criticism of the House of Lords, though a suspicious criticism, were yet a criticism of great understanding. The characteristic legislation of every age must have characteristic defects, — it is the outcome of a character of necessity faulty and limited; it must mistake some kind[s] of things, it must overlook some other. If we could get hold of a complemental critic, — a critic who saw what the age did not see, and who saw rightly what the age mistook, — we should have a critic of inestimable value. But is the House of Lords that critic? can it be said that its unfriendliness to the legislation of the age is founded on a perception of what the age does not see, and a rectified perception of what the age does see? The most extreme partisan, the most warm admirer of the Lords, if of fair and tempered mind, cannot say so: the evidence is too strong. On Free Trade, for example, no one can doubt that the Lords — in opinion,

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[and] in what they wished to do, and would have done if they had acted on their own minds — were utterly wrong. This is the clearest test of the "modern spirit"; it is easier here to be sure it is right than elsewhere. Commerce is like war: its result is patent. Do you make money or do you not make it? There is as little appeal from figures as from battle. Now, no one can doubt that England is a great deal better off because of Free Trade; that it has more money, and that its money is diffused more as we should wish it diffused. (In the one case in which we can unanswerably test the modern spirit, it was right, and the dubious upper House — the House which would have rejected it if possible — was wrong.)

There is another reason: the House of Lords, being a hereditary chamber, cannot be of more than common ability. It may contain — it almost always has contained, it almost always will contain — extraordinary men; but its average born law-makers cannot be extraordinary. Being a set of eldest sons picked out by chance and history, it cannot be very wise. It would be a standing miracle if such a chamber possessed a knowledge of its age superior to the other men of the age; if it possessed a superior and supplemental knowledge; if it descried what they did not discern, and saw truly that which they saw indeed but saw untruly.

The difficulty goes deeper. The task of revising — of adequately revising — the legislation of this age is not only that which an aristocracy has no facility in doing, but one which it has a difficulty in doing. Look at the statute book for 1865, — the statutes at large for the year; you will find, not pieces of literature, not nice and subtle matters, but coarse matters, crude heaps of heavy business. They deal with trade, with finance, with statute-law reform, with common-law reform; they deal with various sorts of business, but with business always: and there is no educated human being less likely to know business,

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worse placed for knowing business, than a young lord. Business is really more agreeable than pleasure; it interests the whole mind, the aggregate nature of man, more continuously and more deeply: but it does not *look* as if it did; it is difficult to convince a young man who can have the best of pleasure that it will. A young lord just come into £30,000 a year will not, as a rule, care much for the law of patents, for the law of "passing tolls," or [for] the law of prisons; like Hercules, he may choose virtue, but hardly Hercules could choose business,—he has everything to allure him from it and nothing to allure him to it. And even if he wish to give himself to business, he has indifferent means: pleasure is near him, but business is far from him. Few things are more amusing than the ideas of a well-intentioned young man, who is born out of the business world but who wishes to take to business, about business; he has hardly a notion in what it consists. It really is the adjustment of certain particular means to equally certain particular ends; but hardly any young man destitute of experience is able to separate end and means. It seems to him a kind of mystery; and it is lucky if he do not think that the forms are the main part and that the end is but secondary,—there are plenty of business men, falsely so called, who will advise him so. The subject seems a kind of maze. "What would you recommend me to *read?*" the nice youth asks: and it is impossible to explain to him that reading has nothing to do with it,—that he has not yet the original ideas in his mind to read about; that administration is an art as painting is an art, and that no book can teach the practice of either.

Formerly this defect in the aristocracy was hidden by their other advantages. Being the only class at ease for money and cultivated in mind, they were without competition; and though they might not be (as a rule, and extraordinary ability excepted) excellent in state business, they were the best that could

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be had. Even in old times, however, they sheltered themselves from the greater pressure of coarse work: they appointed a manager — a Peel or a Walpole, anything but an aristocrat in manner or in nature — to act for them and manage for them; but now a class is coming up trained to thought, full of money, and yet trained to business. As I write, two members of this class have been appointed to stations considerable in themselves, and sure to lead (if anything is sure in politics) to the Cabinet and power. This is the class of highly cultivated men of business, who after a few years are able to leave business and begin ambition. As yet these men are few in public life, because they do not know their own strength. It is like Columbus and the egg once again: a few original men will show it can be done, and then a crowd of common men will follow. These men know business partly from tradition, and this is much: there are University families — families who talk of fellowships, and who invest their children's ability in Latin verses as soon as they discover it; there used to be Indian families of the same sort, and probably will be again when the competitive system has had time to foster a new breed: just so there are business families to whom all that concerns money, all that concerns administration, is as familiar as the air they breathe. All Americans, it has been said, know business, — it is in the air of their country; just so certain classes know business here, and a lord can hardly know it, — it is as great a difficulty to learn business in a palace as it is to learn agriculture in a park.

To one kind of business, indeed, this doctrine does not apply; there is one kind of business in which our aristocracy have still, and are likely to retain long, a certain advantage: this is the business of diplomacy. Napoleon, who knew men well, would never if he could help it employ men of the Revolution in missions to the old courts: he said "they spoke to no one, and no one spoke to them," and so they sent

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home no information. The reason is obvious: the Old World diplomacy of Europe was largely carried on in drawing-rooms, and to a great extent, of necessity still is so. Nations touch at their summits. It is always the highest class which travels most, knows most of foreign nations, has the least of the territorial sectarianism which calls itself patriotism and is often thought to be so. Even here, indeed, in England the new trade class is in real merit equal to the aristocracy; their knowledge of foreign things is as great, and their contact with them often more: but notwithstanding, the new race is not as serviceable for diplomacy as the old race. An ambassador is not simply an agent; he is also a spectacle. He is sent abroad for show as well as for substance: he is to represent the Queen among foreign courts and foreign sovereigns. An aristocracy is in its nature better suited to such work: it is trained to the theatrical part of life; it is fit for that if it is fit for anything.

But with this exception, an aristocracy is necessarily inferior in business to the classes nearer business; and it is not, therefore, a suitable class, if we had our choice of classes, out of which to frame a chamber for revising matters of business. It is indeed a singular example how natural business is to the English race, that the House of Lords works as well as it does. The common appearance of the "whole House" is a jest,—a dangerous anomaly, which Mr. Bright will sometimes use; but a great deal of substantial work is done in committees, and often very well done. The great majority of the peers do none of their appointed work, and could do none of it; but a minority—a minority never so large and never so earnest as in this age—do it, and do it well. Still, no one who examines the matter without prejudice can say that the work is done perfectly: in a country so rich in mind as England, far more intellectual power can be and ought to be applied to the revision of our laws.

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And not only does the House of Lords do its work imperfectly, but — often, at least — it does it timidly. Being only a section of the nation, it is afraid of the nation; having been used for years and years on the greatest matters to act contrary to its own judgment, it hardly knows when to act on that judgment. The depressing languor with which it damps an earnest young peer is at times ridiculous. "When the Corn Laws are gone, and the 'rotten boroughs,' why tease about Clause ix. in the Bill to regulate Cotton Factories?" is the latent thought of many peers. A word from the leaders, from "the Duke" or Lord Derby or Lord Lyndhurst, will rouse on any matters the sleeping energies; but most lords are feeble and forlorn.

These grave defects would have been at once lessened, and in the course of years nearly effaced, if the House of Lords had not resisted the proposal of Lord Palmerston's first Government to create peers for life. The expedient was almost perfect. The difficulty of reforming an old institution like the House of Lords is necessarily great: its possibility rests on continuous caste and ancient deference; and if you begin to agitate about it, to bawl at meetings about it, that deference is gone, its peculiar charm lost, its reserved sanctity gone. But by an odd fatality, there was in the recesses of the Constitution an old prerogative which would have rendered agitation needless; which would have effected without agitation all that agitation could have effected. Lord Palmerston was — now that he is dead, and his memory can be calmly viewed — as firm a friend to an aristocracy, as thorough an aristocrat, as any in England; yet he proposed to use that power. If the House of Lords had still been under the rule of the Duke of Wellington, perhaps they would have acquiesced. The Duke would not indeed have reflected on all the considerations which a philosophic statesman would have set out before him, but he would have been brought

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right by one of his peculiarities: he disliked above all things to oppose the Crown. At a great crisis, at the crisis of the Corn Laws, what he considered was not what other people were thinking of, — the economical issue under discussion, the welfare of the country hanging in the balance, — but the Queen's ease. He thought the Crown so superior a part in the Constitution that even on vital occasions he looked solely — or said he looked solely — to the momentary comfort of the present sovereign; he never was comfortable in opposing a conspicuous act of the Crown. It is very likely that if the Duke had still been the president of the House of Lords, they would have permitted the Crown to prevail in its well-chosen scheme; but the Duke was dead, and his authority — or some of it — had fallen to a very different person. Lord Lyndhurst had many great qualities; he had a splendid intellect, — as great a faculty of finding truth as any one in his generation: but he had no love of truth. With this great faculty of finding truth, he was a believer in error — in what his own party now admit to be error — all his life through. He could have found the truth as a statesman just as he found it when a judge; but he never did find it, — he never looked for it. He was a great partisan, and he applied a capacity of argument and a faculty of intellectual argument rarely equaled to support the tenets of his party. The proposal to create life peers was proposed by the antagonistic party, was at the moment likely to injure his own party: to him this was a great opportunity. The speech he delivered on that occasion lives in the memory of those who heard it: his eyes did not at that time let him read, so he repeated by memory, and quite accurately, all the black-letter authorities bearing on the question. So great an intellectual effort has rarely been seen in an English assembly; but the result was deplorable. Not by means of his black-letter authorities, but by means of his recognized authority and his vivid impression,

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he induced the House of Lords to reject the proposition of the Government. Lord Lyndhurst said the Crown could not now create life peers, and so there are no life peers; the House of Lords rejected the inestimable, the unprecedented opportunity of being tacitly reformed. Such a chance does not come twice. The life peers who would have been then introduced would have been among the first men in the country: Lord Macaulay was to have been among the first; Lord Wensleydale — the most learned and not the least logical of our lawyers — to be the very first. Thirty or forty such men, added judiciously and sparingly as years went on, would have given to the House of Lords the very element which as a criticizing chamber it needs so much: it would have given it critics. The most accomplished men in each department might then, without irrelevant considerations of family and of fortune, have been added to the chamber of review; the very element which was wanted to the House of Lords was, as it were by a constitutional Providence, offered to the House of Lords, and they refused it. By what species of effort that error can be repaired, I cannot tell; but unless it is repaired, the intellectual capacity can never be what it would have been, will never be what it ought to be, will never be sufficient for its work.

Another reform ought to have accompanied the creation of life peers: proxies ought to have been abolished. Some time or other the slack attendance of the House of Lords will destroy the House of Lords. There are occasions in which appearances are realities, and this is one of them: the House of Lords on most days looks so unlike what it ought to be that most people will not believe it is what it ought to be. The attendance of considerate peers will for obvious reasons be larger when it can no longer be overpowered by the *non*-attendance, by the commissioned votes, of inconsiderate peers. The abolition of proxies would have made the House of Lords

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a real House; the addition of life peers would have made it a good House.

The greater of these changes would have most materially aided the House of Lords in the performance of its subsidiary functions. It always perhaps happens in a great nation that certain bodies of sensible men, posted prominently in its constitution, acquire functions and usefully exercise functions which at the outset no one expected from them, and which do not identify themselves with their original design: this has happened to the House of Lords especially. The most obvious instance is the judicial function. This is a function which no theorist would assign to a second chamber in a new constitution, and which is matter of accident in ours. Gradually, indeed, the unfitness of the second chamber for judicial functions has made itself felt: under our present arrangements this function is not intrusted to the House of Lords, but to a committee of the House of Lords. On one occasion only (the trial of O'Connell) the whole House, or some few in the whole House, wished to vote; and they were told they could not, or they would destroy the judicial prerogative. No one, indeed, would venture *really* to place the judicial function in the chance majorities of a fluctuating assembly: it is so by a sleepy theory, it is not so in living fact. As a legal question, too, it is a matter of grave doubt whether there ought to be two supreme courts in this country,—the Judicial Committee of the Privy Council, and what is in fact, though not in name, the Judicial Committee of the House of Lords. Up to a very recent time one committee might decide that a man was sane as to money, and the other committee might decide that he was insane as to land. This absurdity has been cured; but the error from which it arose has not been cured,—the error of having two supreme courts, to both of which, as time goes on, the same question is sure often enough to be submitted, and each of which is sure every now

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and then to decide it differently. I do not reckon the judicial function of the House of Lords as one of its true subsidiary functions: first, because it does not in fact exercise it; next, because I wish to see it in appearance deprived of it. The supreme court of the English people ought to be a great conspicuous tribunal, ought to rule all other courts, ought to have no competitor, ought to bring our law into unity, ought not to be hidden beneath the robes of a legislative assembly.

The real subsidiary functions of the House of Lords are, unlike its judicial functions, very analogous to its substantial nature. The first is the faculty of criticizing the executive. An assembly in which the mass of the members have nothing to lose, where most have nothing to gain, where every one has a social position firmly fixed, where no one has a constituency, where hardly any one cares for the minister of the day, is the very assembly in which to look for, from which to expect, independent criticism; and in matter of fact, we find it: the criticism of the acts of late administrations by Lord Grey has been admirable. But such criticism, to have its full value, should be many-sided. Every man of great ability puts his own mark on his own criticism; it will be full of thought and feeling, but then it is of idiosyncratic thought and feeling. We want many critics of ability and knowledge in the upper House; not equal to Lord Grey, for they would be hard to find, but like Lord Grey. They should resemble him in impartiality; they should resemble him in clearness; they should most of all resemble him in taking the supplemental view of a subject. There is an actor's view of a subject, which (I speak of mature and discussed action, of cabinet action) is nearly sure to include everything old and new, everything ascertained and determinate; but there is also a bystander's view, which is likely to omit some one or more of these old and certain elements, but also to contain some

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new or distant matter which the absorbed and occupied actor could not see. There ought to be many life peers in our secondary chamber capable of giving us this higher criticism. I am afraid we shall not soon see them, but as a first step we should learn to wish for them.

The second subsidiary action of the House of Lords is even more important. Taking the House of Commons not after possible but most unlikely improvements, but in matter of fact and as it stands, it is overwhelmed with work. The task of managing it falls upon the Cabinet, and that task is very hard. Every member of the Cabinet in the Commons has to "attend the House"; to contribute by his votes, if not by his voice, to the management of the House. Even in so small a matter as the education department, Mr. Lowe, a consummate observer, spoke of the desirability of finding a chief "not exposed to the prodigious labor of attending the House of Commons." It is all but necessary that certain members of the Cabinet should be exempt from its toil and untouched by its excitement; but it is also necessary that they should have the power of explaining their views to the nation, of being heard as other people are heard. There are various plans for so doing, which I may discuss a little in speaking of the House of Commons: but so much is evident, — the House of Lords, for its own members, attains this object; it gives them a voice; it gives them what no competing plan does give them, *position*. The leisured members of the Cabinet speak in the Lords with authority and power. They are not administrators with a right to speech, — clerks (as is sometimes suggested) brought down to lecture a House but not to vote in it, — but they are the equals of those they speak to; they speak as they like, and reply as they choose; they address the House, not with the "bated breath" of subordinates, but with the force and dignity of sure rank. Life peers would enable us to use this faculty

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of our Constitution more freely and more variously. It would give us a larger command of able leisure; it would improve the Lords as a political pulpit, for it would enlarge the list of its select preachers.

The danger of the House of Commons is, perhaps, that it will be reformed too rashly; the danger of the House of Lords certainly is, that it may never be reformed. Nobody asks that it should be so; it is quite safe against rough destruction, but it is not safe against inward decay. It may lose its veto as the Crown has lost its veto. If most of its members neglect their duties; if all its members continue to be of one class, and that not quite the best; if its doors are shut against genius that cannot found a family and ability which has not five thousand a year, — its power will be less year by year, and at last be gone, as so much kingly power is gone, no one knows how. Its danger is not in assassination, but [in] atrophy; not abolition, but decline.

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VI.

THE HOUSE OF COMMONS.*

THE dignified aspect of the House of Commons is altogether secondary to its efficient use. It *is* dignified: in a government in which the most prominent parts are good because they are very stately, any prominent part, to be good at all, must be somewhat stately. The human imagination exacts keeping in government as much as in art; it will not be at all influenced by institutions which do not match with those by which it is principally influenced. The House of Commons needs to be impressive, and impressive it is; but its use resides not in its appearance, but in its reality. Its office is not to win power by awing mankind, but to use power in governing mankind.

The main function of the House of Commons is one which we know quite well, though our common constitutional speech does not recognize it. The House of Commons is an electoral chamber; it is the assembly which chooses our president. Washington and his fellow-politicians contrived an Electoral College, to be composed (as was hoped) of the wisest people in the nation, which after due deliberation was to choose for President the wisest man in the nation; but that College is a sham,—it has no independence and no life. No one knows or cares to know who its members are; they never discuss and never deliberate; they were chosen to vote that Mr. Lincoln be

*I reprint this chapter substantially as it was first written. It is too soon, as I have explained in the Introduction, to say what changes the late Reform Act will make in the House of Commons.

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President or that Mr. Breckenridge be President, they do so vote and they go home. But our House of Commons is a real choosing body: it elects the people it likes. And it dismisses whom it likes too: no matter that a few months since it was chosen to support Lord Aberdeen or Lord Palmerston, upon a sudden occasion it ousts the statesman to whom it at first adhered and selects an opposite statesman whom it at first rejected. Doubtless in such cases there is a tacit reference to probable public opinion; but certainly also there is much free-will in the judgment of the Commons. The House only goes where it thinks in the end the nation will follow, but it takes its chance of the nation following or not following; it assumes the initiative, and acts upon its discretion or its caprice.

When the American nation has chosen its President, its virtue goes out of it and out of the transmissive College through which it chooses: but because the House of Commons has the power of dismissal in addition to the power of election, its relations to the Premier are incessant; they guide him and he leads them. He is to them what they are to the nation: he only goes where he believes they will go after him, but he has to take the lead; he must choose his direction and begin the journey. Nor must he flinch: a good horse likes to feel the rider's bit, and a great deliberative assembly likes to feel that it is under worthy guidance. A minister who succumbs to the House, who ostentatiously seeks its pleasure, who does not try to regulate it, who will not boldly point out plain errors to it, seldom thrives; the great leaders of Parliament have varied much, but they have all had a certain firmness. A great assembly is as soon spoiled by over-indulgence as a little child. The whole life of English politics is the action and reaction between the ministry and the Parliament: the appointees strive to guide, and the appointers surge under the guidance.

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The elective is now the most important function of the House of Commons. It is most desirable to insist and be tedious on this, because our tradition ignores it. At the end of half the sessions of Parliament you will read in the newspapers, and you will hear even from those who have looked close at the matter and should know better, "Parliament has done nothing this session. Some things were promised in the Queen's speech, but they were only little things; and most of them have not passed." Lord Lyndhurst used for years to recount the small outcomings of legislative achievement; and yet those were the days of the first Whig Governments, who had more to do in legislation, and did more, than any [later] Government. The true answer to such harangues as Lord Lyndhurst's by a minister should have been in the first person: he should have said firmly, "Parliament has maintained ME, and that was its greatest duty; Parliament has carried on what in the language of traditional respect we call the Queen's Government; it has maintained what wisely or unwisely it deemed the best executive of the English nation."

The second function of the House of Commons is what I may call an expressive function: it is its office to express the mind of the English people on all matters which come before it. Whether it does so well or ill I shall discuss presently.

The third function of Parliament is what I may call—preserving a sort of technicality even in familiar matters, for the sake of distinctness—the teaching function. A great and open council of considerable men cannot be placed in the middle of a society without altering that society: it ought to alter it for the better; it ought to teach the nation what it does not know. How far the House of Commons can so teach, and how far it does so teach, are matters for subsequent discussion.

Fourthly, the House of Commons has what may be called an informing function; a function which,

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though in its present form quite modern, is singularly analogous to a mediæval function. In old times one office of the House of Commons was to inform the sovereign what was wrong; it laid before the Crown the grievances and complaints of particular interests. Since the publication of the parliamentary debates, a corresponding office of Parliament is to lay these same grievances, these same complaints, before the nation, which is the present sovereign. The nation needs it quite as much as the king ever needed it. A free people is indeed mostly fair, — liberty practices men in a give-and-take which is the rough essence of justice; the English people, possibly even above other free nations, is fair: but a free nation rarely can be — and the English nation is not — quick of apprehension; it only comprehends what is familiar to it, what comes into its own experience, what squares with its own thoughts. "I never heard of such a thing in my life," the middle-class Englishman says, and he thinks he so refutes an argument. The common disputant cannot say in reply that his experience is but limited, and that the assertion may be true though he had never met with anything at all like it; but a great debate in Parliament *does* bring home something of this feeling. Any notion, any creed, any feeling, any grievance which can get a decent number of English members to stand up for it, is felt by almost all Englishmen to be perhaps a false and pernicious opinion, but at any rate possible, — an opinion within the intellectual sphere, an opinion to be reckoned with; and it is an immense achievement. Practical diplomatists say that a free government is harder to deal with than a despotic government. You may be able to get the despot to hear the other side; his ministers, men of trained intelligence, will be sure to know what makes against them, and they *may* tell him: but a free nation never hears any side save its own; the newspapers only repeat the side their purchasers like; the favorable arguments are set out,

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elaborated, illustrated, the adverse arguments maimed, misstated, confused. The worst judge, they say, is a deaf judge; the most dull government is a free government on matters its ruling classes will not hear. I am disposed to reckon it as the second function of Parliament in point of importance, that to some extent it makes us hear what otherwise we should not.

Lastly, there is the function of legislation, of which of course it would be preposterous to deny the great importance, and which I only deny to be *as* important as the executive management of the whole state or the political education given by Parliament to the whole nation. There are, I allow, seasons when legislation is more important than either of these: the nation may be misfitted with its laws, and need to change them; some particular corn law may hurt all industry, and it may be worth a thousand administrative blunders to get rid of it. But generally the laws of a nation suit its life; special adaptations of them are but subordinate; the administration and conduct of that life is the matter which presses most. Nevertheless, the statute book of every great nation yearly contains many important new laws, and the English statute book does so above any [other]. An immense mass, indeed, of the legislation is not, in the proper language of jurisprudence, legislation at all. A law is a general command applicable to many cases: the "special acts" which crowd the statute book and weary parliamentary committees are applicable to one case only; they do not lay down rules according to which railways shall be made, — they enact that such a railway shall be made from this place to that place, and they have no bearing upon any other transaction. But after every deduction and abatement, the annual legislation of Parliament is a result of singular importance: were it not so, it could not be (as it often is) considered the sole result of its annual assembling.

Some persons will perhaps think that I ought to enumerate a sixth function of the House of Commons,

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— a financial function; but I do not consider that — upon broad principle, and omitting legal technicalities — the House of Commons has any special function with regard to financial different from its functions with respect to other legislation: it is to rule in both, and to rule in both through the Cabinet. Financial legislation is of necessity a yearly recurring legislation; but frequency of occurrence does not indicate a diversity of nature or compel an antagonism of treatment.

In truth, the principal peculiarity of the House of Commons in financial affairs is nowadays not a special privilege, but an exceptional disability: on common subjects any member can propose anything, but not on money, — the minister only can propose to tax the people. This principle is commonly involved in mediæval metaphysics as to the prerogative of the Crown; but it is as useful in the nineteenth century as in the fourteenth, and rests on as sure a principle. The House of Commons, now that it is the true sovereign and appoints the real executive, has long ceased to be the checking, sparing, economical body it once was: it now is more apt to spend money than the minister of the day. I have heard a very experienced financier say, "If you want to raise a certain cheer in the House of Commons, make a general panegyric on economy; if you want to invite a sure defeat, propose a particular saving." The process is simple. Every expenditure of public money has some apparent public object: those who wish to spend the money expatiate on that object; they say, "What is £50,000 to this great country? is this a time for cheese-paring objection? Our industry was never so productive, our resources never so immense. What is £50,000 in comparison with this great national interest?" The members who are for the expenditure always come down: perhaps a constituent or a friend who will profit by the outlay, or is keen on the object, has asked them to attend; at any rate, there is a popular

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vote to be given, on which the newspapers — always philanthropic, and sometimes talked over — will be sure to make encomiums. The members against the expenditure rarely come down of themselves: why should they become unpopular without reason? The object seems decent; many of its advocates are certainly sincere; a hostile vote will make enemies and be censured by the journals. If there were not some check, the "people's House" would soon outrun the people's money.

That check is the responsibility of the Cabinet for the national finance. If any one could propose a tax, they might let the House spend it as it would, and wash their hands of the matter; but now, for whatever expenditure is sanctioned — even when it is sanctioned against the ministry's wish — the ministry must find the money. Accordingly, they have the strongest motive to oppose extra outlay: they will have to pay the bill for it; they will have to impose taxation, which is always disagreeable, or suggest loans, which under ordinary circumstances are shameful. The ministry is, so to speak, the bread-winner of the political family, and has to meet the cost of philanthropy and glory, just as the head of a family has to pay for the charities of his wife and the toilette of his daughters.

In truth, when a cabinet is made the sole executive, it follows [that] it must have the sole financial charge; for all action costs money, all policy depends on money, and it is in adjusting the relative goodness of action and policies that the executive is employed.

From a consideration of these functions, it follows that we are ruled by the House of Commons. We are indeed so used to be so ruled that it does not seem to be at all strange; but of all odd forms of government, the oddest really is government by a *public meeting*. Here are six hundred and fifty-eight persons collected from all parts of England; different in nature, different in interests, different in look and

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language. If we think what an empire the English is, how various are its components, how incessant its concerns, how immersed in history its policy; if we think what a vast information, what a nice discretion, what a consistent will ought to mark the rulers of that empire, — we shall be surprised when we see them. We see a changing body of miscellaneous persons, sometimes few, sometimes many, never the same for an hour; sometimes excited, but mostly dull and half weary, — impatient of eloquence, catching at any joke as an alleviation. These are the persons who rule the British empire; who rule England, who rule Scotland, who rule Ireland, who rule a great deal of Asia, who rule a great deal of Polynesia, who rule a great deal of America and scattered fragments everywhere.

Paley said many shrewd things, but he never said a better thing than that it was much harder to make men see a difficulty than comprehend the explanation of it. The key to the difficulties of most discussed and unsettled questions is commonly in their undiscussed parts: they are like the background of a picture, which looks obvious, easy, just what any one might have painted, but which in fact sets the figures in their right position, chastens them, and makes them what they are. Nobody will understand parliament[ary] government who fancies it an easy thing, a natural thing, a thing not needing explanation: you have not a perception of the first elements in this matter till you know that government by a *club* is a standing wonder.

There has been a capital illustration lately how helpless many English gentlemen are when called together on a sudden. The Government, rightly or wrongly, thought fit to intrust the quarter-sessions of each county with the duty of combating its cattle plague; but the scene in most "shire halls" was unsatisfactory, — there was the greatest difficulty in getting not only a right decision, but *any* decision. I

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saw one myself which went thus:—The chairman proposed a very complex resolution, in which there was much which every one liked and much which every one disliked, though of course the favorite parts of some were the objectionable parts to others. This resolution got, so to say, wedged in the meeting: everybody suggested amendments; one amendment was carried which none were satisfied with, and so the matter stood over. It is a saying in England, "A big meeting never does anything;" and yet we are governed by the House of Commons—by "a big meeting."

It may be said that the House of Commons does not rule, it only elects the rulers; but there must be something special about it to enable it to do that. Suppose the Cabinet were elected by a London club: what confusion there would be, what writing and answering! "Will you speak to So-and-So, and ask him to vote for my man?" would be heard on every side. How the wife of A and the wife of B would plot to confound the wife of C! Whether the club elected under the dignified shadow of a queen, or without the shadow, would hardly matter at all: if the substantial choice was in them, the confusion and intrigue would be there too. I propose to begin this paper by asking, not why the House of Commons governs well, but the fundamental—almost unasked—question, how the House of Commons comes to be able to govern at all.

The House of Commons can do work which the quarter-sessions or clubs cannot do, because it is an organized body while quarter-sessions and clubs are unorganized. Two of the greatest orators in England, Lord Brougham and Lord Bolingbroke, spent much eloquence in attacking party government. Bolingbroke probably knew what he was doing,—he was a consistent opponent of the power of the Commons, he wished to attack them in a vital part; but Lord Brougham does not know,—he proposes to amend

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parliamentary government by striking out the very elements which make parliamentary government possible. At present the majority of Parliament obey certain leaders: what those leaders propose they support, what those leaders reject they reject. An old Secretary of the Treasury used to say, "This is a bad case, an indefensible case: we must apply our *majority* to this question." That Secretary lived fifty years ago, before the Reform Bill, when majorities were very blind and very "applicable." Nowadays the power of leaders over their followers is strictly and wisely limited, — they can take their followers but a little way, and that only in certain directions; yet still there are leaders and followers. On the Conservative side of the House there are vestiges of the despotic leadership even now: a cynical politician is said to have watched the long row of county members, so fresh and respectable looking, and muttered, "By Jove, they are the finest brute votes in Europe!" But all satire apart, the principle of Parliament is obedience to leaders. Change your leader if you will, take another if you will; but obey No. 1 while you serve No. 1, and obey No. 2 when you have gone over to No. 2. The penalty of not doing so is the penalty of impotence; it is not that you will not be able to do any good, but you will not be able to do anything at all. If everybody does what he thinks right, there will be six hundred and fifty-seven amendments to every motion, and none of them will be carried, or the motion either.

The moment, indeed, that we distinctly conceive that the House of Commons is mainly and above all things an elective assembly, we at once perceive that party is of its essence: there never was an election without a party. You cannot get a child into an asylum without a combination: at such places you may see "Vote for orphan A" upon a placard, and "Vote for orphan B (also an idiot!!!)" upon a banner, and the party of each is busy about its placard

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and banner. What is true at such minor and momentary elections must be much more true in a great and constant election of rulers. The House of Commons lives in a state of perpetual potential choice; at any moment it can choose a ruler and dismiss a ruler: and therefore party is inherent in it, is bone of its bone and breath of its breath.

Secondly, though the leaders of party no longer have the vast patronage of the last century with which to bribe, they can coerce by a threat far more potent than any allurement,—they can dissolve. This is the secret which keeps parties together. Mr. Cobden most justly said "he had never been able to discover what was the proper moment, according to members of Parliament, for a dissolution: he had heard them say they were ready to vote for everything else, but he had never heard them say they were ready to vote for that." Efficiency in an assembly requires a solid mass of steady votes; and these are *collected* by a deferential attachment to particular men, or by a belief in the principles those men represent, and they are *maintained* by fear of those men, —by the fear that if you vote against them, you may yourself soon not have a vote at all.

Thirdly—it may seem odd to say so, just after inculcating that party organization is the vital principle of representative government, but that organization is permanently efficient because it is not composed of warm partisans. The body is eager, but the atoms are cool. If it were otherwise, parliamentary government would become the worst of governments, a sectarian government: the party in power would go all the lengths their orators proposed, all that their formulæ enjoined, as far as they had ever said they would go. But the partisans of the English Parliament are not of such a temper: they are Whigs or Radicals or Tories, but they are much else too; they are common Englishmen, and as Father Newman complains, "hard to be worked up to the dogmatic level." They are

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not eager to press the tenets of their party to impossible conclusions; on the contrary, the way to lead them — the best and acknowledged way — is to affect a studied and illogical moderation. You may hear men say, "Without committing myself to the tenet that 3 + 2 make 5 (though I am free to admit that the honorable member for Bradford has advanced very grave arguments in behalf of it), I think I may, with the permission of the Committee, assume that 2 + 3 do not make 4, which will be a sufficient basis for the important propositions which I shall venture to submit on the present occasion." This language is very suitable to the greater part of the House of Commons. Most men of business love a sort of twilight: they have lived all their lives in an atmosphere of probabilities and of doubt, where nothing is very clear, where there are some chances for many events, where there is much to be said for several courses, where nevertheless one course must be determinedly chosen and fixedly adhered to; they like to hear arguments suited to this intellectual haze. So far from caution or hesitation in the statement of the argument striking them as an indication of imbecility, it seems to them a sign of practicality: they got rich themselves by transactions of which they could not have stated the argumentative ground, and all they ask for is a distinct though moderate conclusion that they can repeat when asked, — something which they feel *not* to be abstract argument, but abstract argument diluted and dissolved in real life. "There seem to me," an impatient young man once said, "to be no stays in Peel's arguments;" and that was why Sir Robert Peel was the best leader of the Commons in our time, — we like to have the rigidity taken out of an argument, and the substance left.

Nor indeed, under our system of government, are the leaders themselves of the House of Commons, for the most part, eager to carry party conclusions too far: they are in contact with reality. An Opposition,

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on coming into power, is often like a speculative merchant whose bills become due: ministers have to make good their promises, and they find a difficulty in so doing. They have said, The state of things is so and so, and if you give us the power we will do thus and thus; but when they come to handle the official documents, to converse with the permanent under-secretary,—familiar with disagreeable facts, and though in manner most respectful, yet most imperturbable in opinion,—very soon doubts intervene. Of course something must be done: the speculative merchant cannot forget his bills; the late Opposition cannot in office forget those sentences which terrible admirers in the country still quote. But just as the merchant asks his creditor, "Could you not take a bill at four months?" so the new minister says to the permanent under-secretary, "Could you not suggest a middle course? I am of course not bound by mere sentences used in debate; I have never been accused of letting a false ambition of consistency warp my conduct: but—" etc., etc. (And the end always is, that a middle course is devised which *looks* as much as possible like what was suggested in opposition, but which *is* as much as possible what patent facts—facts which seem to live in the office, so teasing and unceasing are they—prove ought to be done.)

(Of all modes of enforcing moderation on a party, the best is to contrive that the members of that party shall be intrinsically moderate, careful, and almost shrinking men; and the next best, to contrive that the leaders of the party, who have protested most in its behalf, shall be placed in the closest contact with the actual world. Our English system contains both contrivances: it makes party government permanent and possible in the sole way in which it can be so,—by making it mild.)

But these expedients, though they sufficiently remove the defects which make a common club or quarter-sessions impotent, would not enable the House

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of Commons to govern England. A representative public meeting is subject to a defect over and above those of other public meetings, — it may not be independent; the constituencies may not let it alone: but if they do not, all the checks which have been enumerated upon the evils of a party organization would be futile. The feeling of a constituency is the feeling of a dominant party; and that feeling is elicited, stimulated, sometimes even manufactured, by the local political agent. Such an opinion could not be moderate; could not be subject to effectual discussion; could not be in close contact with pressing facts; could not be framed under a chastening sense of near responsibility; could not be formed as those form their opinions who have to act upon them. Constituency government is the precise opposite of parliamentary government: it is the government of immoderate persons far from the scene of action, instead of the government of moderate persons close to the scene of action; it is the judgment of persons judging in the last resort and without a penalty, in lieu of persons judging in fear of a dissolution and ever conscious that they are subject to an appeal.

Most persons would admit these conditions of parliamentary government when they read them; but two at least of the most prominent ideas in the public mind are inconsistent with them. The scheme to which the arguments of our demagogues distinctly tend, and the scheme to which the predilections of some most eminent philosophers cleave, are both so: they would not only make parliamentary government work ill, but they would prevent its working at all; they would not render it bad, for they would make it impossible.

The first of these is the ultra-democratic theory. This theory demands that every man of twenty-one years of age (if not every woman too) should have an equal vote in electing Parliament. Suppose that last year there were twelve million adult males in England:

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upon this theory each man is to have one twelve-millionth share in electing a Parliament; the rich and wise are not to have by explicit law more votes than the poor and stupid, nor are any latent contrivances to give them an influence equivalent to more votes. The machinery for carrying out such a plan is very easy: at each census the country ought to be divided into six hundred and fifty-eight electoral districts, in each of which the number of adult males should be the same; and these districts ought to be the only constituencies, and elect the whole Parliament. But if the above prerequisites are needful for parliamentary government, that Parliament would not work.

Such a Parliament could not be composed of moderate men. The electoral districts would be some of them in purely agricultural places, and in these the parson and the squire would have almost unlimited power; they would be able to drive or send to the poll an entire laboring population: these districts would return an unmixed squirearchy. The scattered small towns, which now send so many members to Parliament, would be lost in the clownish mass: their votes would send to Parliament no distinct members. The agricultural part of England would choose its representatives from quarter-sessions exclusively. On the other hand, a large part of the constituencies would be town districts, and these would send up persons representing the beliefs or the unbeliefs of the lowest classes in their towns: they would perhaps be divided between the genuine representatives of the artisans—not possibly of the best of the artisans, who are a select and intellectual class, but of the common order of workpeople—and the merely pretended members for that class, whom I may call the members for the public-houses. In all big towns in which there is electioneering, these houses are the centers of illicit corruption* and illicit management: there are pretty

Sic, but what legitimate corruption is cannot be guessed.— ED.

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good records of what that corruption and management are, but there is no need to describe them here; everybody will understand what sort of things I mean, and the kind of unprincipled members that are returned by them. Our new Parliament, therefore, would be made up of two sorts of representatives from the town lowest class, and one sort of representatives from the agricultural lowest class. The genuine representatives of the country would be men of one marked sort, and the genuine representatives for the county men of another marked sort, but very opposite: one would have the prejudices of town artisans, and the other the prejudices of county magistrates. Each class would speak a language of its own; each would be unintelligible to the other: and the only thriving class would be the immoral representatives, who were chosen by corrupt machination, and who would probably get a good profit on the capital they laid out in that corruption. If it be true that a parliamentary government is possible only when the overwhelming majority of the representatives are men essentially moderate, of no marked varieties, free from class prejudices, this ultra-democratic Parliament could not maintain that government; for its members would be remarkable for two sorts of moral violence and one sort of immoral.

I do not for a moment rank the scheme of Mr. Hare with the scheme of the ultra-democrats. One can hardly help having a feeling of romance about it: the world seems growing young when grave old lawyers and mature philosophers propose a scheme promising so much. It is from these classes that young men suffer commonly the chilling demonstration that their fine plans are opposed to rooted obstacles, that they are repetitions of other plans which failed long ago, and that we must be content with the very moderate results of tried machinery; but Mr. Hare and Mr. Mill offer as the effect of their new scheme, results as large and improvements as

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interesting as a young enthusiast ever promised to himself in his happiest mood.

I do not give any weight to the supposed impracticability of Mr. Hare's scheme because it is new: of course it cannot be put in practice till it is old. A great change of this sort happily cannot be sudden; a free people cannot be confused by new institutions which they do not understand, for they will not adopt them till they understand them: but if Mr. Hare's plan would accomplish what its friends say, or half what they say, it would be worth working for if it were not adopted till the year 1966. We ought incessantly to popularize the principle by writing; and what is better than writing, small preliminary bits of experiment. There is so much that is wearisome and detestable in all other election machineries, that I well understand and wish I could share the sense of relief with which the believers in this scheme throw aside all their trammels, and look to an almost ideal future when this captivating plan is carried.

Mr. Hare's scheme cannot be satisfactorily discussed in the elaborate form in which he presents it: no common person readily apprehends all the details in which, with loving care, he has embodied it. He was so anxious to prove what could be done that he has confused most people as to what it is: I have heard a man say he "never could remember it two days running." But the difficulty which I feel is fundamental, and wholly independent of detail.

There are two modes in which constituencies may be made. First, the law may make them, as in England and almost everywhere: the law may say such and such qualifications shall give a vote for constituency X; those who have that qualification shall *be* constituency X. These are what we may call compulsory constituencies, and we know all about them. Or, secondly, the law may leave the electors themselves to make them: the law may say all the adult males of a country shall vote, or those males who

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can read and write, or those who have £50 a year, or any persons any way defined, and then leave those voters to group themselves as they like. Suppose there were 658,000 voters to elect the House of Commons: it is possible for the legislature to say, "We do not care how you combine. On a given day let each set of persons give notice in what group they mean to vote: if every voter gives notice, and every one looks to make the most of his vote, each group will have just 1,000. But the law shall not make this necessary: it shall take the 658 most numerous groups, no matter whether they have 2,000 or 1,000 or 900 or 800 votes, — the most numerous groups, whatever their number may be; and these shall be the constituencies of the nation." These are voluntary constituencies, if I may so call them; the simplest kind of voluntary constituencies. Mr. Hare proposes a far more complex kind; but to show the merits and demerits of the voluntary principle, the simplest form is much the best.

The temptation to that principle is very plain: under the compulsory form of constituency the votes of the minorities are thrown away. In the city of London, now, there are many Tories, but all the members are Whigs: every London Tory, therefore, is by law and principle misrepresented; his city sends to Parliament not the member whom he wished to have, but the member he wished *not* to have. But upon the voluntary system the London Tories, who are far more than 1,000 in number, may combine; they may make a constituency and return a member. In many existing constituencies the disfranchisement of minorities is hopeless and chronic. I have myself had a vote for an agricultural county for twenty years, and I am a Liberal; but two Tories have always been returned, and all my life will be returned: as matters now stand, my vote is of no use; but if I could combine with 1,000 other Liberals in that and other Conservative counties, we might choose a Liberal member.

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Again, this plan gets rid of all our difficulties as to the size of constituencies. It is said to be unreasonable that Liverpool should return only the same number of members as King's Lynn or Lyme Regis; but upon the voluntary plan, Liverpool could come down to King's Lynn: the Liberal minority in King's Lynn could communicate with the Liberal minority in Liverpool, and make up 1,000,—and so everywhere. The numbers of populous places would gain what is called their legitimate advantage: they would, when constituencies are voluntarily made, be able to make, and be willing to make, the greatest number of constituencies.

Again, the admirers of a great man could make a worthy constituency for him. As it is, Mr. Mill was returned by the electors of Westminster,—and they have never since they had members done themselves so great an honor; but what did the electors of Westminster know of Mr. Mill? what fraction of his mind could be imagined by any percentage of their minds? A great deal of his genius most of them would not like. They meant to do homage to mental ability; but it was the worship of an unknown god, if ever there was such a thing in this world. But upon the voluntary plan, one thousand out of the many thousand students of Mr. Mill's book could have made an appreciating constituency for him.

I could reckon other advantages; but I have to object to the scheme, not to recommend it. What are the counterweights which overpower these merits? I reply that the voluntary composition of constituencies appears to me inconsistent with the necessary prerequisites of parliamentary government, as they have been just laid down.

Under the voluntary system, the crisis of politics is not the election of the member, but the making [of] the constituency. President-making is already a trade in America; and constituency-making would under the voluntary plan be a trade here. Every

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party would have a numerical problem to solve: the leaders would say, "We have 350,000 votes, we must take care to have 350 members;" and the only way to obtain them is to organize. A man who wanted to compose part of a Liberal constituency must not himself hunt for 1,000 other Liberals: if he did, after writing 10,000 letters, he would probably find he was making part of a constituency of 100, all whose votes would be thrown away, the constituency being too small to be reckoned. Such a Liberal must write to the great Registration Association in Parliament Street; he must communicate with its able managers, and they would soon use his vote for him. They would say, "Sir, you are late: Mr. Gladstone, sir, is full,—he got his 1,000 last year. Most of the gentlemen you read of in the papers are full: as soon as a gentleman makes a nice speech, we get a heap of letters to say, 'Make us into that gentleman's constituency;' but we cannot do that. Here is our list: if you do not want to throw your vote away, you must be guided by us. Here are three very satisfactory gentlemen (and one is an Honorable): you may vote for either of these, and we will write your name down; but if you go voting wildly, you'll be thrown out altogether."

The evident result of this organization would be the return of party men mainly. The member-makers would look not for independence, but for subservience; and they could hardly be blamed for so doing: they are agents for the Liberal party, and as such they should be guided by what they take to be the wishes of their principal. The mass of the Liberal party wishes measure A, measure B, measure C. The managers of the registration—the skilled manipulators—are busy men; they would say, "Sir, here is our card: if you want to get into Parliament on our side, you must go for that card; it was drawn up by Mr. Lloyd,—he used to be engaged on railways, but since they passed this new voting plan we get him

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to attend to us; it is a sound card,—stick to that and you will be right." Upon this (in theory) voluntary plan, you would get together a set of members bound hard and fast with party bands and fetters, infinitely tighter than any members now.

Whoever hopes anything from desultory popular action if matched against systematized popular action should consider the way in which the American President is chosen. The plan was that the citizens at large should vote for the statesman they liked best: but no one does anything of the sort,—they vote for the ticket made by "the caucus"; and the caucus is a sort of representative meeting which sits voting and voting till they have cut out all the known men against whom much is to be said, and agreed on some unknown man against whom there is nothing known and therefore nothing to be alleged. Caucuses or their equivalent would be far worse here in constituency-making than there in President-making; because on great occasions the American nation can fix on some one great man whom it knows, but the English nation could not fix on six hundred and fifty-eight great men and choose them,—it does not know so many, and if it did, would go wrong in the difficulties of the manipulation.

But though a common voter could only be ranged in an effectual constituency, and a common candidate only reach a constituency, by obeying the orders of the political election-contrivers upon his side, certain voters and certain members would be quite independent of both: there are organizations in this country which would soon make a set of constituencies for themselves. Every chapel would be an office for vote-transferring before the plan had been known three months. The Church would be much slower in learning it, and much less handy in using it; but would learn. At present the Dissenters are a most energetic and valuable component of the Liberal party; but under the voluntary plan they would not be a

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component, — they would be a separate independent element. We now propose to group boroughs; but then they would combine chapels. There would be a member for the Baptist congregation of Tavistock, cum Totnes, cum — etc., etc.

The full force of this cannot be appreciated except by referring to the former proof that the mass of a parliament ought to be men of moderate sentiments, or they will elect an immoderate ministry and enact violent laws; but upon the plan suggested, the House would be made up of party politicians selected by a party committee, chained to that committee and pledged to party violence, and of characteristic and therefore immoderate representatives for every "ism" in all England. Instead of a deliberate assembly of moderate and judicious men, we should have a various compound of all sorts of violence.

I may seem to be drawing a caricature, but I have not reached the worst. Bad as these members would be, if they were left to themselves — if in a free Parliament they were confronted with the perils of government — close responsibility might improve them and make them tolerable; but they would not be left to themselves. A voluntary constituency will nearly always be a despotic constituency. Even in the best case, where a set of earnest men choose a member to expound their earnestness, they will look after him to see that he does expound it. The members will be like the minister of a Dissenting congregation: that congregation is collected by a unity of sentiment in doctrine A, and the preacher is to preach doctrine A; if he does not, he is dismissed. At present the member is free because the constituency is not in earnest. No constituency has an acute, accurate doctrinal creed in politics: the law made the constituencies by geographical divisions, and they are not bound together by close unity of belief; they have vague preferences for particular doctrines, and that is all. But a voluntary constituency would be a church with tenets; it

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would make its representative the messenger of its mandates and the delegate of its determinations. As, in the case of a Dissenting congregation, one great minister sometimes rules it, while ninety-nine ministers in the hundred are ruled by it,—so here one noted man would rule his electors, but the electors would rule all the others.

'Thus, the members for a good voluntary constituency would be hopelessly enslaved because of its goodness; but the members for a bad voluntary constituency would be yet more enslaved because of its badness. The makers of these constituencies would keep the despotism in their own hands. In America there is a division of politicians into wire-pullers and blowers. Under the voluntary system the member of Parliament would be only the momentary mouthpiece, the impotent blower; while the constituency-maker would be the latent wire-puller, the constant autocrat; he would write to gentlemen in Parliament and say, "You were elected upon 'the Liberal ticket': if you deviate from that ticket you cannot be chosen again." And there would be no appeal for a common-minded man: he is no more likely to make a constituency for himself than a mole is likely to make a planet.

It may indeed be said that against a septennial Parliament such machinations would be powerless; that a member elected for seven years might defy the remonstrances of an earnest constituency or the imprecations of the latent manipulators. But after the voluntary composition of constituencies, there would soon be but short-lived Parliaments. Earnest constituencies would exact frequent elections: they would not like to part with their virtue for a long period; it would anger them to see it used contrary to their wishes, amid circumstances which at the election no one thought of. A seven-years' Parliament is often chosen in one political period, lasts through a second, and is dissolved in a third. A constituency collected by law and on compulsion endures

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this change because it has no collective earnestness; it does not mind seeing the power it gave used in a manner that it could not have foreseen: but a self-formed constituency of eager opinions — a missionary constituency, so to speak — would object, it would think it its bounden duty to object; and the crafty manipulators, though they said nothing, in silence would object still more. The two together would enjoin annual elections, and would rule their members unflinchingly.

The voluntary plan, therefore, when tried in this easy form, is inconsistent with the extrinsic independence as well as with the inherent moderation of a parliament, — two of the conditions which, as we have seen, are essential to the bare possibility of parliamentary government. The same objections, as is inevitable, adhere to that principle under its more complicated forms. It is in vain to pile detail on detail when the objection is one of first principle. If the above reasoning be sound, compulsory constituencies are necessary, voluntary constituencies destructive; the optional transferability of votes is not a salutary aid, but a ruinous innovation.

I have dwelt upon the proposal of Mr. Hare and upon the ultra-democratic proposal, not only because of the high intellectual interest of the former and the possible practical interest of the latter, but because they tend to bring into relief two at least of the necessary conditions of parliamentary government; but besides these necessary qualities which are needful before a parliamentary government can work at all, there are some additional prerequisites before it can work well. That a house of commons may work well it must perform, as we saw, five functions well: it must elect a ministry well, legislate well, teach the nation well, express the nation's will well, bring matters to the nation's attention well.

The discussion has a difficulty of its own. What is meant by "well"? Who is to judge? is it to be

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some panel of philosophers, some fancied posterity, or some other outside authority? I answer, No philosophy, no posterity, no external authority, but the English nation here and now.

Free government is self-government, — a government of the people by the people. The best government of this sort is that which the people think best. An imposed government, a government like that of the English in India, may very possibly be better; it may represent the views of a higher race than the governed race: but it is not therefore a free government, — a free government is that which the people subject to it voluntarily choose. In a casual collection of loose people, the only possible free government is a democratic government: where no one knows or cares for or respects any one else, all must rank equal; no one's opinion can be more potent than that of another. But as has been explained, a deferential nation has a structure of its own: certain persons are by common consent agreed to be wiser than others, and their opinion is by consent to rank for much more than its numerical value; we may in these happy nations weigh votes as well as count them, though in less favored countries we can count only. But in free nations, the votes so weighed or so counted must decide. A perfect free government is one which decides perfectly according to those votes; an imperfect, one which so decides imperfectly; a bad, one which does not so decide at all. Public opinion is the test of this polity, — the best opinion which with its existing habits of deference the nation will accept: if the free government goes by that opinion, it is a good government of its species; if it contravenes that opinion, it is a bad one.

Tried by this rule, the House of Commons does its appointing business well: it chooses rulers as we wish rulers to be chosen; if it did not, in a speaking and writing age we should soon know. I have heard a great Liberal statesman say "the time was coming

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when we must advertise for a grievance."* What a good grievance it would be, were the ministry appointed and retained by the Parliament a ministry detested by the nation! An anti-present-Government league would be instantly created, and it would be more instantly powerful and more instantly successful than the Anti-Corn-Law League.

It has indeed been objected that the choosing business of Parliament is done ill, because it does not choose strong Governments; and it is certain that when public opinion does not definitely decide upon a marked policy, and when in consequence parties in the Parliament are nearly even, individual cupidity and changeability may make Parliament change its appointees too often, may induce it never enough to trust any of them, may make it keep all of them under a suspended sentence of coming dismissal. But the experience of Lord Palmerston's second Government proves, I think, that these fears are exaggerated: when the choice of a nation is really fixed on a statesman, Parliament will fix upon him too. The parties in the Parliament of 1859 were as nearly divided as in any probable Parliament; a great many Liberals did not much like Lord Palmerston, and they would have gladly co-operated in an attempt to dethrone him: but the same influence acted on Parliament within which acted on the nation without, — the moderate men of both parties were satisfied that Lord Palmerston's was the best Government, and they therefore preserved it though it was hated by the immoderate on both sides. We have then found by a critical instance that a Government supported by what I may call "the common element" — by the like-minded men of unlike parties — will be retained in power though parties are even, and though, as Treasury counting reckons, the majority is imperceptible. If happily, by its intelligence and attractiveness, a Cabinet can gain a hold upon the great middle part

* This was said in 1858.

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of Parliament, it will continue to exist notwithstanding the hatching of small plots and the machinations of mean factions.

On the whole, I think it indisputable that the selecting task of Parliament is performed as well as public opinion wishes it to be performed; and if we want to improve that standard, we must first improve the English nation which imposes that standard. Of the substantial part of its legislative task the same too may, I think, be said. The manner of our legislation is indeed detestable, and the machinery for settling that manner odious: a committee of the whole House, dealing or attempting to deal with the elaborate clauses of a long bill, is a wretched specimen of severe but misplaced labor, — it is sure to wedge some clause into the act such as that which the judge said "seemed to have fallen by itself, *perhaps* from heaven, into the mind of the legislature," so little had it to do with anything on either side or around it; at such times government by a public meeting displays its inherent defects, and is little restrained by its necessary checks. But the essence of our legislature may be separated from its accidents: subject to two considerable defects, I think Parliament passes laws as the nation wishes to have them passed.

Thirty years ago this was not so: the nation had outgrown its institutions, and was cramped by them; it was a man in the clothes of a boy, — every limb wanted more room and every garment to be fresh made. "D—n me," said Lord Eldon in the dialect of his age, "if I had to begin life again I would begin as an agitator." * The shrewd old man saw that the best life was that of a miscellaneous objector to the old world, though he loved that world, believed in it, could imagine no other. But he would not say so now: there is no worse trade than agitation at this time; a man can hardly get an audience if he wishes to complain of anything. Nowadays, not only does the mind and policy of Parliament (subject to the

* See note at end of chapter.

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exceptions before named) possess the common sort of moderation essential to the possibility of parliamentary government, but also that exact gradation, that precise species of moderation, most agreeable to the nation at large. Not only does the nation endure a parliamentary government, which it would not do if Parliament were immoderate, but it likes parliamentary government; a sense of satisfaction permeates the country because most of the country feels it has got the precise thing that suits it.

The exceptions are two. First, that Parliament leans too much to the opinions of the landed interest. The Cattle Plague Act is a conspicuous instance of this defect. The details of that bill may be good or bad, and its policy wise or foolish; but the manner in which it was hurried through the House savored of despotism: the cotton trade or the wine trade could not, in their maximum of peril, have obtained such aid in such a manner. The House of Commons would hear of no pause and would heed no arguments: the greatest number of them feared for their incomes. The land of England returns many members annually for the counties; these members the Constitution gave them: but what is curious is, that the landed interest gives no seats to other classes, but takes plenty of seats *from* other classes. Half the boroughs in England are represented by considerable landowners; and when rent is in question, as in the cattle case, they think more of themselves than of those who sent them. In number the landed gentry in the House far surpass any other class; they have, too, a more intimate connection with one another, — they were educated at the same schools, know one another's family name from boyhood, form a society, are the same kind of men, marry the same kind of women. The merchants and manufacturers in Parliament are a motley race, — one educated here, another there, a third not educated at all; some are of the second generation of traders, who consider self-made

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men intruders upon a hereditary place; others are self-made, and regard the men of inherited wealth, which they did not make and do not augment, as beings of neither mind nor place, inferior to themselves because they have no brains and inferior to lords because they have no rank. Traders have no bond of union, no habits of intercourse; their wives, if they care for society, want to see not the wives of other such men, but "better people," as they say, — the wives of men certainly with land, and if Heaven help, with titles. Men who study the structure of Parliament not in abstract books, but in the concrete London world, wonder not that the landed interest is very powerful, but that it is not despotic. I believe it would be despotic if it were clever, or rather if its representatives were so, but it has a fixed device to make them stupid: the counties not only elect landowners, which is natural and perhaps wise, but also elect only landowners *of their own county*, which is absurd. There is no free-trade in the agricultural mind: each county prohibits the import of able men from other counties. This is why eloquent skeptics — Bolingbroke and Disraeli — have been so apt to lead the unskeptical Tories: they *will* have people with a great piece of land in a particular spot, and of course these people generally cannot speak, and often cannot think; and so eloquent men who laugh at the party come to lead the party. The landed interest has much more influence than it should have; but it wastes that influence so much that the excess is, except on singular occurrences (like the cattle plague), of secondary moment.

It is almost another side of the same matter to say that the structure of Parliament gives too little weight to the growing districts of the country and too much to the stationary. In old times the South of England was not only the pleasantest but the greatest part of England: Devonshire was a great maritime county when the foundations of our representation

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were fixed, Somersetshire and Wiltshire great manufacturing counties; the harsher climate of the northern counties was associated with a ruder, a sterner, and a sparser people. The immense preponderance which our Parliament gave before 1832—and though pruned and mitigated, still gives—to England south of the Trent, then corresponded to a real preponderance in wealth and mind. How opposite the present contrast is, we all know; and the case gets worse every day. The nature of modern trade is to give to those who have much and take from those who have little: manufacture goes where manufacture is, because there and there alone it finds attendant and auxiliary manufacture; every railway takes trade from the little town to the big town, because it enables the customer to buy in the big town. Year by year the North (as we may roughly call the new industrial world) gets more important, and the South (as we may call the pleasant remnant of old times) gets less important. It is a grave objection to our existing parliamentary Constitution, that it gives much power to regions of past greatness and refuses equal power to regions of present greatness.

I think (though it is not a popular notion) that by far the greater part of the cry for parliamentary reform is due to this inequality. The great capitalists, Mr. Bright and his friends, believe they are sincere in asking for more power for the workingman; but in fact, they very naturally and very properly want more power for themselves. They cannot endure, they ought not to endure, that a rich able manufacturer should be a less man than a small stupid squire. The notions of political equality which Mr. Bright puts forward are as old as political speculation, and have been refuted by the first efforts of that speculation; but for all that, they are likely to last as long as political society, because they are based upon indelible principles in human nature. Edmund Burke called the first East-Indians "Jacobins to a

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man," because they did not feel their "present importance equal to their real wealth."* So long as there is an uneasy class, a class which has not its just power, it will rashly clutch and blindly believe the notion that all men should have the same power.

I do not consider the exclusion of the working classes from effectual representation a defect in *this* aspect of our parliamentary representation. The working classes contribute almost nothing to our corporate public opinion, and therefore the fact of their want of influence in Parliament does not impair the coincidence of Parliament with public opinion; they are left out in the representation, and also in the thing represented.

Nor do I think the number of persons of aristocratic descent in Parliament impairs the accordance of Parliament with public opinion. No doubt the direct descendants and collateral relatives of noble families supply members to Parliament in far greater proportion than is warranted by the number of such families in comparison with the whole nation; but I do not believe that these families have the least corporate character, or any common opinions different from others of the landed gentry,—they have the opinions of the propertied rank in which they were born. The English aristocracy have never been a caste apart, and are not a caste apart now; they would keep up nothing that other landed gentlemen would not: and if any land[ed] gentlemen are to be sent to the House of Commons, it is desirable that many should be men of some rank. As long as we keep up a double set of institutions,—one dignified and intended to impress the many, the other efficient and intended to govern the many,—we should take care that the two match nicely, and hide where the one begins and where the other ends: this is in part effected by conceding some subordinate power to the august part of our polity, but it is equally aided by keeping an aristocratic element in the useful

* "Thoughts on French Affairs," vol. iii., Bohn, page 354 (in substance).

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part of our polity. In truth, the deferential instinct secures both. Aristocracy is a power in the 'constituencies': a man who is an Honorable or a baronet, or better yet, perhaps, a real earl though Irish, is coveted by half the electing bodies, and *cæteris paribus*, a manufacturer's son has no chance with him. The reality of the deferential feeling in the community is tested by the actual election of the class deferred to, where there is a large free choice betwixt it and others.

Subject therefore to the two minor but still not inconsiderable defects I have named, Parliament conforms itself accurately enough, both as a chooser of executives and as a legislature, to the formed opinion of the country. Similarly, and subject to the same exceptions, it expresses the nation's opinion in words well, when it happens that words, not laws, are wanted. On foreign matters, where we cannot legislate, whatever the English nation thinks or thinks it thinks as to the critical events of the world, whether in Denmark, in Italy, or [in] America, and no matter whether it thinks wisely or unwisely, that same something, wise or unwise, will be thoroughly well said in Parliament. The lyrical function of Parliament, if I may use such a phrase, is well done: it pours out in characteristic words the characteristic heart of the nation. And it can do little more useful. Now that free government is in Europe so rare and in America so distant, the opinion — even the incomplete, erroneous, rapid opinion — of the free English people is invaluable: it may be very wrong, but it is sure to be unique; and if it is right it is sure to contain matter of great magnitude, for it is only a first-class matter in distant things which a free people ever sees or learns. The English people must miss a thousand minutiæ that continental bureaucracies know even too well; but if they see a cardinal truth which those bureaucracies miss, that cardinal truth may greatly help the world.

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But if in these ways, and subject to these exceptions, Parliament by its policy and its speech well embodies and expresses public opinion, I own I think it must be conceded that it is not equally successful in elevating public opinion; the teaching task of Parliament is the task it does worst. Probably at this moment it is natural to exaggerate this defect. The greatest teacher of all in Parliament, the headmaster of the nation, the great elevator of the country so far as Parliament elevates it, must be the Prime Minister: he has an influence, an authority, a facility in giving a great tone to discussion or a mean tone, which no other man has. Now, Lord Palmerston for many years steadily applied his mind to giving—not indeed a mean tone, but a light tone, to the proceedings of Parliament. One of his greatest admirers has since his death told a story of which he scarcely sees, or seems to see, the full effect. When Lord Palmerston was first made leader of the House, his jaunty manner was not at all popular, and some predicted failure. "No," said an old member, "he will soon educate us *down* to his level; the House will soon prefer this Ha! Ha! style to the wit of Canning and the gravity of Peel." I am afraid that we must own that the prophecy was accomplished: no Prime Minister so popular and so influential has ever left in the public memory so little noble teaching. Twenty years hence, when men inquire as to the then fading memory of Palmerston, we shall be able to point to no great truth which he taught, no great distinct policy which he embodied, no noble words which once fascinated his age and which in after years men would not willingly let die; but we shall be able to say, "He had a genial manner, a firm sound sense; he had a kind of cant of insincerity, but we always knew what he meant; he had the brain of a ruler in the clothes of a man of fashion." Posterity will hardly understand the words of the aged reminiscent, but we now feel their effect: the House of Commons,

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since it caught its tone from such a statesman, has taught the nation worse and elevated it less than usual.

I think, however, that a correct observer would decide that in general, and on principle, the House of Commons does not teach the public as much as it might teach it, or as the public would wish to learn. I do not wish very abstract, very philosophical, very hard matters to be stated in Parliament: the teaching there given must be popular; and to be popular it must be concrete, embodied, short. The problem is to know the highest truth which the people will bear, and to inculcate and preach that. Certainly Lord Palmerston did not preach it: he a little degraded us by preaching a doctrine just below our own standard; a doctrine not enough below us to repel us much, but yet enough below to harm us by augmenting a worldliness which needed no addition, and by diminishing a love of principle and philosophy which did not want deduction.

In comparison with the debates of any other assembly, it is true the debates by the English Parliament are most instructive. The debates in the American Congress have little teaching efficacy: it is the characteristic vice of presidential government to deprive them of that efficacy; in that government a debate in the legislature has little effect, for it cannot turn out the executive and the executive can veto all it decides. The French Chambers* are suitable appendages to an Empire which desires the power of despotism without its shame: they prevent the enemies of the Empire being quite correct when they say there is no free speech; a few permitted objectors fill the air with eloquence, which every one knows to be often true and always vain. The debates in an English Parliament fill a space in the world which in these auxiliary chambers is not possible; but I think any one who compares the discussions on great questions

* This of course relates to the assemblies of the Empire.

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in the higher part of the press with the discussions in Parliament will feel that there is (of course amid much exaggeration and vagueness) a greater vigor and a higher meaning in the writing than in the speech, — a vigor which the public appreciate, a meaning that they like to hear.

The *Saturday Review* said some years since that the ability of Parliament was a "protected ability"; that there was at the door a differential duty of at least £2,000 a year. Accordingly, the House of Commons, representing only mind coupled with property, is not equal in mind to a legislature chosen for mind only and whether accompanied by wealth or not. But I do not for a moment wish to see a representation of pure mind: it would be contrary to the main thesis of this essay. I maintain that Parliament ought to embody the public opinion of the English nation; and certainly that opinion is much more fixed by its property than by its mind. The "too clever by half" people, who live in "Bohemia," ought to have no more influence in Parliament than they have in England, and they can scarcely have less. Only, after every great abatement and deduction, I think the country would bear a little more mind, and that there is a profusion of opulent dullness in Parliament which might a little — though only a little — be pruned away.

The only function of Parliament which remains to be considered is the informing function, as I just now called it: the function which belongs to it, or to members of it, to bring before the nation the ideas, grievances, and wishes of special classes. This must not be confounded with what I have called its teaching function. In life, no doubt, the two run one into another; but so do many things which it is very important in definition to separate. The fact of two things being often found together is rather a reason for than an objection to separating them in idea: sometimes they are *not* found together, and then we

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may be puzzled if we have not trained ourselves to separate them. The teaching function brings true ideas before the nation, and is the function of its highest minds; the ~~expressive~~ informing function brings only special ideas, and is the function of but special minds. Each class has its ideas, wants, and notions, and certain brains are ingrained with them. Such sectarian conceptions are not those by which a determining nation should regulate its action, nor are orators mainly animated by such conceptions safe guides in policy; but those orators should be heard, those conceptions should be kept in sight. The great maxim of modern thought is not only the toleration of everything, but the examination of everything: it is by examining very bare, very dull, very unpromising things that modern science has come to be what it is. There is a story of a great chemist who said he owed half his fame to his habit of examining, after his experiments, what was going to be thrown away: everybody knew the result of the experiment itself, but in the refuse matter there were many little facts and unknown changes, which suggested the discoveries of a famous life to a person capable of looking for them. So with the special notions of neglected classes: they may contain elements of truth which, though small, are the very elements which we now require, because we already know all the rest.

This doctrine was well known to our ancestors: they labored to give a *character* to the various constituencies, or to many of them; they wished that the shipping trade, the wool trade, the linen trade should each have its spokesman, — that the unsectional Parliament should know what each section in the nation thought before it gave the national decision. This is the true reason for admitting the working classes to a share in the representation, at least as far as the composition of Parliament is to be improved by that admission. A great many ideas, a great many feelings have gathered among the town

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artisans; a peculiar intellectual life has sprung up among them. They believe that they have interests which are misconceived or neglected; that they know something which others do not know; that the thoughts of Parliament are not as their thoughts. They ought to be allowed to try to convince Parliament; their notions ought to be stated as those of other classes are stated; their advocates should be heard as other people's advocates are heard. Before the Reform Bill there was a recognized machinery for that purpose: the member for Westminster and other members were elected by universal suffrage (or what was in substance such); those members did in their day state what were the grievances and ideas — or were thought to be the grievances and ideas — of the working classes. It was the single unbending franchise introduced in 1832 that has caused this difficulty, as it has others.

Until such a change is made, the House of Commons will be defective just as the House of Lords is defective: it will not *look* right. As long as the Lords do not come to their own House, we may prove on paper that it is a good revising chamber, but it will be difficult to make the literary argument felt; just so as long as a great class, congregated in political localities and known to have political thoughts and wishes, is without notorious and palpable advocates in Parliament, we may prove on paper that our representation is adequate, but the world will not believe it. There is a saying of the eighteenth century, that in politics "gross appearances are great realities." It is in vain to demonstrate that the working classes have no grievances, that the middle classes have done all that is possible for them, and so on with a crowd of arguments which I need not repeat, for the newspapers keep them in type and we can say them by heart; but so long as the "gross appearance" is that there are no evident, incessant representatives to speak the wants of artisans, the "great

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reality" will be a diffused dissatisfaction. Thirty years ago it was vain to prove that Gatton and Old Sarum were valuable seats, and sent good members: everybody said, "Why, there are no people there;" just so everybody must say now, "Our representative system must be imperfect, for an immense class has no members to speak for it." The only answer to the cry against constituencies *without* inhabitants was, to transfer their power to constituencies *with* inhabitants; just so, the way to stop the complaint that artisans have no members is to give them members, — to create a body of representatives, chosen by artisans, believing, as Mr. Carlyle would say, "that artisanism is the one thing needful."*

* See Chap. iii. of Carlyle's "Chartism," on out-door relief.

NOTE TO PAGE 182. — "Swearing was thought the right and the mark of a gentleman; and tried by this test, nobody who had not seen them could now be made to believe how many gentlemen there were. Not that people were worse tempered then than now; they were only coarser in their manners, and had got into a bad style of admonition and dissent. And the evil provoked its own continuance: because nobody who was blamed, cared for the censure or understood that it was serious unless it was clothed in execration; and any intensity even of kindness or of logic, that was not embodied in solid commination, evaporated and was supposed to have been meant to evaporate in the very uttering. The naval chaplain justified his cursing the sailors, because it made them listen to him; and [Lord Justice] Braxfield apologized to a lady whom he damned at whist for bad play, by declaring that he had mistaken her for his wife. This odious practice was applied with particular offensiveness by those in authority towards their inferiors: in the army it was universal by officers towards soldiers, and far more frequent than is now credible by masters towards servants." — Lord Cockburn's "Memorials of his Time," Chap. i.

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VII.

ON CHANGES OF MINISTRY.

THERE is one error as to the English Constitution which crops up periodically. Circumstances which often though irregularly occur, naturally suggest that error; and as surely as they happen, it revives. The relation of Parliament, and especially of the House of Commons, to the executive Government is the specific peculiarity of our Constitution; and an event which frequently happens, much puzzles some people as to it.

That event is a change of ministry. All our administrators go out together; the whole executive Government changes—at least all the heads of it change—in a body: and at every such change some speculators are sure to exclaim that such a habit is foolish. They say, "No doubt Mr. Gladstone and Lord Russell may have been wrong about Reform; no doubt Mr. Gladstone may have been cross in the House of Commons: but why should either or both of these events change all the heads of all our practical departments? What could be more absurd than what happened in 1858? Lord Palmerston was for once in his life over-buoyant: he gave rude answers to stupid inquiries; he brought into the Cabinet a nobleman concerned in an ugly trial about a woman; he, or his Foreign Secretary, did not answer a French dispatch by a dispatch, but told our ambassador to reply orally: and because of these trifles, or at any rate these isolated *un*administrative mistakes, all our administration had fresh heads,—the Poor Law Board had a new chief, the Home Department a new chief,

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the Public Works a new chief. Surely this was absurd." Now, is this objection good or bad? Speaking generally, is it wise so to change all our rulers?

The practice produces three great evils.

First, it brings in on a sudden new persons and untried persons to preside over our policy. A little while ago Lord Cranborne* had no more idea that he would now be Indian Secretary than that he would be a bill broker. He had never given any attention to Indian affairs; he can get them up, because he is an able educated man who can get up anything, but they are not "part and parcel" of his mind, — not his subjects of familiar reflection, nor things of which he thinks by predilection, of which he cannot help thinking: but because Lord Russell and Mr. Gladstone did not please the House of Commons about Reform, there he is, — a perfectly inexperienced man, so far as Indian affairs go, rules all our Indian empire. And if all our heads of offices change together, so very frequently it must be: if twenty offices are vacant at once, there are almost never twenty tried, competent, clever men ready to take them. The difficulty of making up a Government is very much like the difficulty of putting together a Chinese puzzle, — the spaces do not suit what you have to put into them; and the difficulty of matching a ministry is more than that of fitting a puzzle, because the ministers to be put in can object, though the bits of a puzzle cannot. One objector can throw out the combination: in 1847 Lord Grey would not join Lord John Russell's projected Government if Lord Palmerston was to be Foreign Secretary; Lord Palmerston *would* be Foreign Secretary, and so the Government was not formed. The cases in which a single refusal prevents a Government are rare, and there must be many concurrent circumstances to make it effectual; but the cases in which refusals impair or spoil a Government are very

* Now Lord Salisbury, who when this was written was Indian Secretary. — *Note to second edition*, B.

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common. It almost never happens that the ministry-maker can put into his offices exactly whom he would like: a number of placemen are always too proud, too eager, or too obstinate to go just where they should.

Again, this system not only makes new ministers ignorant but keeps present ministers indifferent. A man cannot feel the same interest that he might in his work if he knows that by events over which he has no control, by errors in which he had no share, by metamorphoses of opinion which belong to a different sequence of phenomena, he may have to leave that work in the middle and may very likely never return to it. The new man put into a fresh office ought to have the best motive to learn his task thoroughly; but in fact in England he has not at all the best motive: the last wave of party and politics brought him there, the next may take him away. Young and eager men take, even at this disadvantage, a keen interest in office work; but most men, especially old men, hardly do so: many a battered minister may be seen to think much more of the vicissitudes which make him and unmake him than of any office matter.

Lastly, a sudden change of ministers may easily cause a mischievous change of policy. In many matters of business, perhaps in most, a continuity of mediocrity is better than a hotch-potch of excellences. For example, now that progress in the scientific arts is revolutionizing the instruments of war, rapid changes in our head preparers for land and sea war are most costly and most hurtful. A single competent selecter of new inventions would probably in the course of years, after some experience, arrive at something tolerable,—it is in the nature of steady, regular, experimenting ability to diminish if not vanquish such difficulties: but a quick succession of chiefs has no similar facility; they do not learn from each others' experience,—you might as well expect the new head boy at a public school to learn from the experience

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of the last head boy. The most valuable result of many years is a nicely balanced mind, instinctively heedful of various errors; but such a mind is the incommunicable gift of individual experience, and an outgoing minister can no more leave it to his successor than an elder brother can pass it on to a younger. Thus a desultory and incalculable policy may follow from a rapid change of ministers.

These are formidable arguments; but four things may, I think, be said in reply to or mitigation of them. A little examination will show that this change of ministers is essential to a parliamentary government; that something like it will happen in all elective governments, and that worse happens under presidential government; that it is not necessarily prejudicial to a good administration, but that on the contrary, something like it is a prerequisite of good administration; that the evident evils of English administration are not the results of parliamentary government, but of grave deficiencies in other parts of our political and social state, — that, in a word, they result not from what we have but from what we have *not*.

As to the first point, those who wish to remove the choice of ministers from Parliament have not adequately considered what a parliament is. A parliament is nothing less than a big meeting of more or less idle people; in proportion as you give it power it will inquire into everything, settle everything, meddle in everything. In an ordinary despotism, the powers of a despot are limited by his bodily capacity and by the calls of pleasure. He is but one man; there are but twelve hours in his day, and he is not disposed to employ more than a small part in dull business, — he keeps the rest for the court or the harem, or for society. He is at the top of the world, and all the pleasures of the world are set before him; mostly there is only a very small part of political business which he cares to understand, and much of

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it (with the shrewd sensual sense belonging to the race) he knows that he will never understand. But a parliament is composed of a great number of men by no means at the top of the world: when you establish a predominant parliament, you give over the rule of the country to a despot who has unlimited time, who has unlimited vanity, who has or believes he has unlimited comprehension, whose pleasure is in action, whose life is work. There is no limit to the curiosity of parliament. Sir Robert Peel once suggested that a list should be taken down of the questions asked of him in a single evening: they touched more or less on fifty subjects, and there were a thousand other subjects which by parity of reason might have been added too. As soon as bore A ends, bore B begins. Some inquire from genuine love of knowledge, or from a real wish to improve what they ask about; others to see their name in the papers; others to show a watchful constituency that they are alert; others to get on and to get a place in the Government; others from an accumulation of little motives they could not themselves analyze, or because it is their habit to ask things. And a proper reply must be given: it was said that "Darby Griffith destroyed Lord Palmerston's first Government," and undoubtedly the cheerful impertinence with which in the conceit of victory that minister answered grave men, much hurt his parliamentary power. There is one thing which no one will permit to be treated lightly, —himself; and so there is one too which a sovereign assembly will never permit to be lessened or ridiculed, —its own power: the minister of the day will have to give an account in parliament of all branches of [the] administration,—to say why they act when they do, and why they do not when they don't.

Nor is chance inquiry all a public department has most to fear: fifty members of parliament may be zealous for a particular policy affecting the department, and fifty others for another policy; and between

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them they may divide its action, spoil its favorite aims, and prevent its consistently working out either of their own aims. The process is very simple. Every department at times looks as if it was in a scrape: some apparent blunder, perhaps some real blunder, catches the public eye. At once the antagonist parliamentary sections which want to act on the department seize the opportunity: they make speeches, they move for documents, they amass statistics; they declare that in no other country is such a policy possible as that which the department is pursuing, that it is mediæval, that it costs money, that it wastes life; that America does the contrary, that Prussia does the contrary. The newspapers follow, according to their nature: these bits of administrative scandal amuse the public; articles on them are very easy to write, easy to read, easy to talk about, they please the vanity of mankind. We think as we read, "Thank God, *I* am not as that man: *I* did not send green coffee to the Crimea; *I* did not send patent cartridge to the common guns and common cartridge to the breech-loaders; *I* make money, that miserable public functionary only wastes money." As for the defense of the department, no one cares for it or reads it. Naturally, at first hearing it does not sound true: the Opposition have the unrestricted selection of the point of attack, and they seldom choose a case in which the department upon the surface of the matter seems to be right. The case of first impression will always be that something shameful has happened: that such and such men did die, that this and that gun would not go off, that this or that ship will not sail. All the pretty reading is unfavorable, and all the praise is very dull.

Nothing is more helpless than such a department in parliament if it has no authorized official defender. The wasps of the House fasten on it: here they perceive is something easy to sting—and safe, for it cannot sting in return. The small grain of foundation

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for complaint germinates till it becomes a whole crop. At once the minister of the day is appealed to: he is at the head of the administration, and he must put the errors right, if such they are. The Opposition leader says, "I put it to the right honorable gentleman, the First Lord of the Treasury. He is a man of business; I do not agree with him in his choice of ends, but he is an almost perfect master of methods and means,—what he wishes to do he does do: now, I appeal to him whether such gratuitous errors, such fatuous incapacity, are to be permitted in the public service. Perhaps the right honorable gentleman will grant me his attention while I show from the very documents of the department—" etc., etc. What is the minister to do? He never heard of this matter; he does not care about the matter. Several of the supporters of the Government are interested in the opposition to the department; a grave man, supposed to be wise, mutters, "This is *too* bad." The Secretary of the Treasury tells him, "The House is uneasy; a good many men are shaky,—A B said yesterday he had been dragged through the dirt four nights following. Indeed, I am disposed to think myself that the department has been somewhat lax. Perhaps an inquiry—" etc., etc. And upon that the Prime Minister rises and says that "Her Majesty's Government, having given very serious and grave consideration to this most important subject, are not prepared to say that in so complicated a matter the department has been perfectly exempt from error. He does not indeed concur in all the statements which have been made,—it is obvious that several of the charges advanced are inconsistent with one another: if A had really died from eating green coffee on the Tuesday, it is plain he could not have suffered from insufficient medical attendance on the following Thursday. However, on so complex a subject, and one so foreign to common experience, he will not give a judgment; and if the honorable member would be satisfied

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with having the matter inquired into by a committee of that House, he will be prepared to accede to the suggestion."

Possibly the outlying department, distrusting the ministry, crams a friend; but it is happy indeed if it chances on a judicious friend. The persons most ready to take up that sort of business are benevolent amateurs, very well intentioned, very grave, very respectable, but also rather dull; their words are good, but about the joints their arguments are weak; they speak very well, but while they are speaking the decorum is so great that everybody goes away. Such a man is no match for a couple of House of Commons gladiators: they pull what he says to shreds, they show or say that he is wrong about his facts. Then he rises in a fuss and must explain; but in his hurry he mistakes, and cannot find the right paper, and becomes first hot, then confused, next inaudible, and so sits down. Probably he leaves the House with the notion that the defense of the department has broken down, and so the *Times* announces to all the world as soon as it awakes.

Some thinkers have naturally suggested that the heads of departments should as such have the right of speech in the House; but the system when it has been tried has not answered. M. Guizot tells us from his own experience that such a system is not effectual. A great popular assembly has a corporate character: it has its own privileges, prejudices, and notions; and one of these notions is that its own members — the persons it sees every day, whose qualities it knows, whose minds it can test — are those whom it can most trust. A clerk speaking from without would be an unfamiliar object, he would be an outsider; he would speak under suspicion, he would speak without dignity; very often he would speak as a victim, — all the bores of the House would be upon him, he would be put upon examination, he would have to answer interrogatories, he would be put through the figures

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and cross-questioned in detail, the whole effect of what he said would be lost in *quæstiunculæ* and hidden in a controversial detritus.

Again, such a person would rarely speak with great ability. He would speak as a scribe: his habits must have been formed in the quiet of an office; he is used to red-tape, placidity, and the respect of subordinates. Such a person will hardly ever be able to stand the hurly-burly of a public assembly: he will lose his head,—he will say what he should not; he will get hot and red; he will feel he is a sort of culprit. After being used to the flattering deference of deferential subordinates, he will be pestered by fuss and confounded by invective. He will hate the House as naturally as the House does not like him: he will be an incompetent speaker addressing a hostile audience.

And what is more, an outside administrator addressing parliament can move parliament only by the goodness of his arguments: he has no votes to back them up with. He is sure to be at chronic war with some active minority of assailants or others. The natural mode in which a department is improved on great points and new points is by external suggestion; the worst foes of a department are the plausible errors which the most visible facts suggest, and which only half-visible facts confute. Both the good ideas and the bad ideas are sure to find advocates first in the press and then in parliament; against these a permanent clerk would have to contend by argument alone. The minister, the head of the parliamentary Government, will not care for him. The minister will say in some undress soliloquy, "These permanent fellows must look after themselves: I cannot be bothered. I have only a majority of nine, and a very shaky majority too: I cannot afford to make enemies for those whom I did not appoint; they did nothing for me, and I can do nothing for them." And if the permanent clerk come to ask his help, he will say in decorous language, "I am sure that if the department

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can evince to the satisfaction of parliament that its past management has been such as the public interests require, no one will be more gratified than myself. I am not aware if it will be in my power to attend in my place on Monday; but if I can be so fortunate, I shall listen to your official statement with my very best attention." And so the permanent public servant will be teased by the wits, oppressed by the bores, and massacred by the innovators of parliament.

The incessant tyranny of parliament over the public offices is prevented and can only be prevented by the appointment of a parliamentary head, connected by close ties with the present ministry and the ruling party in parliament. The parliamentary head is a protecting machine: he and the friends he brings stand between the department and the busybodies and crotchet-makers of the House and the country. So long as at any moment the policy of an office could be altered by chance votes in either House of parliament, there is no security for any consistency. Our guns and our ships are not, perhaps, very good now; but they would be much worse if any thirty or forty advocates for this gun or that gun could make a motion in Parliament, beat the department, and get their ships or their guns adopted: the "Black Breech Ordnance Company" and the "Adamantine Ship Company" would soon find representatives in Parliament if forty or fifty members would get the national custom for their rubbish. But this result is now prevented by the parliamentary head of the department. As soon as the Opposition begins the attack, he looks up his means of defense: he studies the subject, compiles his arguments, and builds little piles of statistics, which he hopes will have some effect. He has his reputation at stake, and he wishes to show that he is worth his present place and fit for future promotion. He is well known, perhaps liked, by the House; at any rate, the House attends to him, — he is one of

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the regular speakers whom they hear and heed. He is sure to be able to get himself heard, and he is sure to make the best defense he can; and after he has settled his speech, he loiters up to the Secretary of the Treasury and says quietly, "They have got a motion against me on Tuesday, you know: I hope you will have your men here. A lot of fellows have crotchets, and though they do not agree a bit with one another, they are all against the department; they will all vote for the inquiry." And the Secretary answers, "Tuesday, you say: no" (looking at a paper), "I do not think it will come on on Tuesday,—there is Higgins on Education, he is good for a long time; but anyhow it shall be all right." And then he glides about and speaks a word here and a word there, in consequence of which, when the anti-official motion is made, a considerable array of steady grave faces sits behind the Treasury Bench,—nay, possibly a rising man who sits in outlying independence below the gangway rises to defend the transaction; the department wins by thirty-three, and the management of that business pursues its steady way.

This contrast is no fancy picture: the experiment of conducting the administration of a public department by an independent unsheltered authority has often been tried, and always failed,—Parliament always poked at it till it made it impossible. The most remarkable [instance] is that of the Poor Law: the administration of that law is not now very good, but it is not too much to say that almost the whole of its goodness has been preserved by its having an official and party protector in the House of Commons. Without that contrivance we should have drifted back into the errors of the old Poor Law, and superadded to them the present meanness and incompetence in our large towns: all would have been given up to local management; Parliament would have interfered with the central board till it made it impotent, and the local authorities would have been despotic.

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The first administration of the new Poor Law was by "Commissioners,"—the "three kings of Somerset House," as they were called. The system was certainly not tried in untrustworthy hands: at the crisis, Mr. Chadwick, one of the most active and best administrators in England, was the secretary and the motive power; the principal Commissioner was Sir George Lewis, perhaps the best selective administrator of our time. But the House of Commons would not let the Commission alone. For a long time it was defended because the Whigs had made the commission, and felt bound as a party to protect it; the new law started upon a certain intellectual impetus, and till that was spent, its administration was supported in a rickety existence by an abnormal strength: but afterwards the Commissioners were left to their intrinsic weakness. There were members for all the localities, but there were none for them; there were members for every crotchet and corrupt interest, but there were none for them. The rural guardians would have liked to eke out wages by rates; the city guardians hated control and hated to spend money. The commission had to be dissolved, and a parliamentary head was added: the result is not perfect, but it is an amazing improvement on what would have happened in the old system. The new system has not worked well, because the central authority has too little power; but under the previous system the central authority was getting to have, and by this time would have had, no power at all. And if Sir George Lewis and Mr. Chadwick could not maintain an outlying department in the face of Parliament, how unlikely that an inferior compound of discretion and activity will ever maintain it!

These reasonings show why a changing parliamentary head, a head changing as the ministry changes, is a necessity of good parliamentary government; and there is happily a natural provision that there will be such heads,—party organization

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insures it. In America, where, on account of the fixedly recurring presidential election and the perpetual minor elections, party organization is much more effectually organized than anywhere else, the effect on the offices is tremendous: every office is filled anew at every presidential change, at least every change which brings in a new party; not only the greatest posts as in England, but the minor posts, change their occupants. The scale of the financial operations of the federal government is now so increased, that most likely in that department at least there must in future remain a permanent element of great efficiency,—a revenue of £90,000,000 sterling cannot be collected and expended with a trifling and changing staff; but till now the Americans have tried to get on not only with changing heads to a bureaucracy, as [do] the English, but without any stable bureaucracy at all. They have facilities for trying it which no one else has: all Americans can administer, and the number of them really fit to be in succession lawyers, financiers, or military managers is wonderful. They need not be as afraid of a change of all their officials as European countries must, for the incoming substitutes are sure to be much better there than here: and they do not fear, as we English fear, that the outgoing officials will be left destitute in middle life, with no hope for the future and no recompense for the past; for in America (whatever may be the cause of it) opportunities are numberless, and a man who is ruined by being "off the rails" in England, soon there gets on another line. The Americans will probably to some extent modify their past system of total administrative cataclysms; but their very existence in the only competing form of free government should prepare us for and make us patient with the mild transitions of parliamentary government.

These arguments will, I think, seem conclusive to almost every one; but at this moment, many people will meet them thus: they will say, "You prove what

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we do not deny, that this system of periodical change is a necessary ingredient in parliamentary government, but you have not proved what we do deny, that this change is a good thing. Parliamentary government may have that effect among others, for anything we care: we maintain merely that it is a defect." In answer, I think it may be shown, not indeed that this precise change is necessary to a permanently perfect administration, but that some analogous change — some change of the same species — is so.

At this moment, in England, there is a sort of leaning towards bureaucracy, at least among writers and talkers; there is a seizure of partiality to it. The English people do not easily change their rooted notions, but they have many unrooted notions; any great European event is sure for a moment to excite a sort of twinge of conversion to something or other. Just now the triumph of the Prussians — the bureaucratic people, as is believed, *par excellence* — has excited a kind of admiration for bureaucracy which a few years since we should have thought impossible. I do not presume to criticize the Prussian bureaucracy of my own knowledge: it certainly is not a pleasant institution for foreigners to come across, though agreeableness to travelers is but of very second-rate importance; but it is quite certain that the Prussian bureaucracy, though we for a moment half admire it at a distance, does not permanently please the most intelligent and liberal Prussians at home. What are two among the principal aims of the *Fortschritt Partei*, — the party of progress, — as Mr. Grant Duff, the most accurate and philosophical of our describers, delineates them?

First, "A liberal system, conscientiously carried out in all the details of the administration, with a view to avoiding the scandals now of frequent occurrence, when an obstinate or bigoted official sets at defiance the liberal initiations of the government, trusting to back-stairs influence."

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Second, "An easy method of bringing to justice guilty officials, who are at present, as in France, in all conflicts with simple citizens, like men armed *cap-à-pie* fighting with the defenseless."*

A system against which the most intelligent native liberals bring, even with color of reason, such grave objections is a dangerous model for foreign imitation.

The defects of bureaucracy are indeed well known. It is a form of government which has been tried often enough in the world; and it is easy to show what, human nature being what it in the long run is, the defects of a bureaucracy must in the long run be.

It is an inevitable defect, that bureaucrats will care more for routine than for results; or as Burke put it, that "they will think the substance of business not to be much more important than the forms of it." Their whole education and all the habit of their lives make them do so. They are brought young into the particular part of the public service to which they are attached; they are occupied for years in learning its forms, afterwards for years too in applying these forms to trifling matters. They are, to use the phrase of an old writer, "but the tailors of business: they cut the clothes, but they do not find the body." Men so trained must come to think the routine of business not a means, but an end; to imagine the elaborate machinery of which they form a part, and from which they derive their dignity, to be a grand and achieved result, not a working and changeable instrument. But in a miscellaneous world, there is now one evil and now another; the very means which best helped you yesterday may very likely be those which most impede you to-morrow,—you may want to do a different thing to-morrow, and all your accumulation of means for yesterday's work is but an obstacle to the new work. The Prussian military system is the theme of popular wonder now,

*"Studies in European Politics," section "Prussia."

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yet it sixty years pointed the moral against form: we have all heard the saying that "Frederic the Great lost the battle of Jena." It was the system which he had established — a good system for his wants and his times — which, blindly adhered to and continued into a different age, put to strive with new competitors, brought his country to ruin. The "dead and formal" Prussian system was then contrasted with the "living" French system, the sudden outcome of the new explosive democracy; the system which now exists is the product of the reaction, and the history of its predecessor is a warning what its future history may be too. It is not more celebrated for its day than Frederic's for his; and principle teaches that a bureaucracy, elated by sudden success and marveling at its own merit, is the most unimproving and shallow of governments.

Not only does a bureaucracy thus tend to under-government in point of quality, it tends to over-government in point of quantity. The trained official hates the rude untrained public: he thinks that they are stupid, ignorant, reckless; that they cannot tell their own interest; that they should have the leave of the office before they do anything. Protection is the natural inborn creed of every official body; free-trade is an extrinsic idea, alien to its notions and hardly to be assimilated with [its] life: and it is easy to see how an accomplished critic, used to a free and active life, could thus describe the official: —

"Every imaginable and real social interest," says Mr. Laing, — "religion, education, law, police; every branch of public or private business; personal liberty to move from place to place, even from parish to parish within the same jurisdiction; liberty to engage in any branch of trade or industry, on a small or large scale, — all the objects, in short, in which body, mind, and capital can be employed in civilized society, were gradually laid hold of for the employment and support of functionaries, were centralized in *bureaux*, were

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superintended, licensed, inspected, reported upon, and interfered with by a host of officials scattered over the land and maintained at the public expense, yet with no conceivable utility in their duties. They are not, however, gentlemen at large, enjoying salary without service. They are under a semi-military discipline: in Bavaria, for instance, the superior civil functionary can place his inferior functionary under house-arrest, for neglect of duty or other offense against civil-functionary discipline; in Würtemberg the functionary cannot marry without leave from his superior. Voltaire says somewhere that 'The art of government is to make two-thirds of a nation pay all it possibly can pay for the benefit of the other third:' this is realized in Germany by the functionary system, — the functionaries are not there for the benefit of the people, but the people for the benefit of the functionaries. All this machinery of functionarism, with its numerous ranks and gradations in every district, filled with a staff of clerks and expectants in every department looking for employment, appointments, or promotions, was intended to be a new support of the throne in the new social state of the Continent: a third class, in close connection with the people by their various official duties of interference in all public or private affairs, yet attached by their interests to the kingly power. The *Beamptenstand*, or functionary class, was to be the equivalent to the class of nobility, gentry, capitalists, and men of larger landed property than the peasant proprietors, and was to make up in numbers for the want of individual weight and influence. In France, at the expulsion of Louis Philippe, the civil functionaries were stated to amount to 807,030 individuals; this civil army was more than double of the military. In Germany this class is necessarily more numerous in proportion to the population, the *landwehr* system imposing many more restrictions than the conscription on the free action of the people and requiring more officials to manage it, and the semi-feudal jurisdictions and forms of law requiring much more writing and intricate forms of procedure before the courts than the Code Napoléon."*

A bureaucracy is sure to think that its duty is to augment official power, official business, or official members, rather than to leave free the energies of mankind: it overdoes the quantity of government as well as impairs its quality.

*Laing's "Social and Political State of the European People in 1848 and 1849."

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The truth is, that a skilled bureaucracy — a bureaucracy trained from early life to its special avocation — is, though it boasts of an appearance of science, quite inconsistent with the true principles of the art of business. That art has not yet been condensed into precepts; but a great many experiments have been made, and a vast floating vapor of knowledge floats through society. One of the most sure principles is, that success depends on a due mixture of special and non-special minds, — of minds which attend to the means and of minds which attend to the end. The success of the great joint-stock banks of London — the most remarkable achievement of recent business — has been an example of the use of this mixture: these banks are managed by a board of persons mostly *not* trained to the business, supplemented by and annexed to a body of specially trained officers who have been bred to banking all their lives. These mixed banks have quite beaten the old banks, composed exclusively of pure bankers: it is found that the board of directors has greater and more flexible knowledge, more insight into the wants of a commercial community, knows when to lend and when not to lend, better than the old bankers, who had never looked at life except out of the bank windows. Just so the most successful railways in Europe have been conducted not by engineers or traffic managers, but by capitalists; by men of a certain business culture, if of no other. These capitalists buy and use the services of skilled managers, as the unlearned attorney buys and uses the services of the skilled barrister, and manage far better than any of the different sorts of special men under them. They combine these different specialties, make it clear where the realm of one ends and that of the other begins, and add to it a wide knowledge of large affairs which no special man can have, and which is only gained by diversified action. But this

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utility of leading minds, used to generalize and acting upon various materials, is entirely dependent upon their position: they must not be at the bottom, they must not be even half-way up, they must be at the top. A merchant's clerk would be a child at a bank counter; but the merchant himself could very likely give good, clear, and useful advice in a bank court. The merchant's clerk would be equally at sea in a railway office; but the merchant himself could give good advice, very likely, at a board of directors. The summits (if I may so say) of the various kinds of business are, like the tops of mountains, much more alike than the parts below; the bare principles are much the same, it is only the rich variegated details of the lower strata that so contrast with one another. But it needs traveling to know that the summits *are* the same: those who live on one mountain believe that *their* mountain is wholly unlike all others.

The application of this principle to parliamentary government is very plain: it shows at once that the intrusion from without upon an office of an exterior head of the office is not an evil, but that on the contrary it is essential to the perfection of that office. If it is left to itself, the office will become technical, self-absorbed, self-multiplying; it will be likely to overlook the end in the means; it will fail from narrowness of mind; it will be eager in seeming to do, it will be idle in real doing. An extrinsic chief is the fit corrector of such errors. He can say to the permanent chief, skilled in the forms and pompous with the memories of his office, "Will you, sir, explain to me how this regulation conduces to the end in view? According to the natural view of things, the applicant should state the whole of his wishes to one clerk on one paper: you make him say it to five clerks on five papers." Or again, "Does it not appear to you, sir, that the reason of this formality

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is extinct? When we were building wood ships, it was quite right to have such precautions against fire; but now that we are building iron ships —" etc., etc. If a junior clerk asked these questions, he would be pooh-poohed: it is only the head of an office that can get them answered; it is he, and he only, that brings the rubbish of office to the burning-glass of sense.

The immense importance of such a fresh mind is greatest in a country where business changes most. A dead, inactive, agricultural country may be governed by an unalterable bureau for years and years, and no harm come of it: if a wise man arranged the bureau rightly in the beginning, it may run rightly a long time. But if the country be a progressive, eager, changing one, soon the bureau will either cramp improvement or be destroyed itself.

This conception of the use of a parliamentary head shows how wrong is the obvious notion which regards him as the principal administrator of his office. The late Sir George Lewis used to be fond of explaining this subject. He had every means of knowing: he was bred in the permanent civil service; he was a very successful Chancellor of the Exchequer, a very successful Home Secretary, and he died Minister for War. He used to say, "It is not the business of a cabinet minister to work his department: his business is to see that it is properly worked. If he does much, he is probably doing harm. The permanent staff of the office can do what he chooses to do much better, or if they cannot they ought to be removed: he is only a bird of passage, and cannot compete with those who are in the office all their lives round." Sir George Lewis was a perfect parliamentary head of an office, so far as that head is to be a keen critic and rational corrector of it.

But Sir George Lewis was not perfect: he was not even an average good head in another respect.

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The use of a fresh mind applied to the official mind is not only a corrective use, it is also an animating use: a public department is very apt to be dead to what is wanting for a great occasion till the occasion is past; the vague public mind will appreciate some signal duty before the precise, occupied administration perceives it. The Duke of Newcastle was of this use at least in the Crimean war: he roused up his department, though when roused it could not act. A perfect parliamentary minister would be one who should add the animating capacity of the Duke of Newcastle to the accumulated sense, the detective instinct, and the *laissez faire* habit of Sir George Lewis.

As soon as we take the true view of parliamentary office, we shall perceive that fairly frequent change in the official is an advantage, not a mistake. If his function is to bring a representative of outside sense and outside animation in contact with the inside world, he ought often to be changed: no man is a perfect representative of outside sense. "There is some one," says the true French saying, "who is more able than Talleyrand, more able than Napoleon,—*c'est tout le monde;*" that many-sided sense finds no microcosm in any single individual. Still less are the critical function and the animating function of a parliamentary minister likely to be perfectly exercised by one and the same man: impelling power and restraining wisdom are as opposite as any two things, and are rarely found together. And even if the natural mind of the parliamentary minister was perfect, long contact with the office would destroy his use: inevitably he would accept the ways of office, think its thoughts, live its life; the "dyer's hand" would be "subdued to what it works in."* If the function of a parliamentary minister is to be an outsider to his office, we must not choose one who

*Shakespeare, Sonnet cxi.

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by habit, thought, and life, is acclimatized to its ways.

There is every reason to expect that a parliamentary statesman will be a man of quite sufficient intelligence, quite enough various knowledge, quite enough miscellaneous experience, to represent effectually general sense in opposition to bureaucratic sense. Most cabinet ministers in charge of considerable departments are men of superior ability; I have heard an eminent living statesman of long experience say that in his time he only knew one instance to the contrary. And there is the best protection that it shall be so: a considerable cabinet minister has to defend his department in the face of mankind; and though distant observers and sharp writers may depreciate it, this is a very difficult thing. A fool who has publicly to explain great affairs, who has publicly to answer detective questions, who has publicly to argue against able and quick opponents, must soon be shown to be a fool. The very nature of parliamentary government answers for the discovery of substantial incompetence.

At any rate, none of the competing forms of government have nearly so effectual a procedure for putting a good untechnical minister to correct and impel the routine ones. There are but four important forms of government in the present state of the world, — the parliamentary, the presidential, the hereditary, and the dictatorial or revolutionary. Of these I have shown that as now worked in America, the presidential form of government is incompatible with a skilled bureaucracy: if the whole official class change when a new party goes out or comes in, a good official system is impossible. Even if more officials should be permanent in America than now, still vast numbers will always be changed. The whole issue is based on a single election, — on the choice of President; by that internecine conflict all else is won or lost; the

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managers of the contest have that greatest possible facility in using what I may call patronage bribery. Everybody knows that as a fact, the President can give what places he likes to what persons; and when his friends tell A B, "If we win, C D shall be turned out of Utica post-office, and you, A B, shall have it," A B believes it, and is justified in doing so: but no individual member of parliament can promise place effectually, — *he* may not be able to give the places; his party may come in, but he will be powerless. In the United States, party intensity is aggravated by concentrating an overwhelming importance on a single contest; and the efficiency of promised offices as a means of corruption is augmented because the victor can give what he likes to whom he likes.

Nor is this the only defect of a presidential government in reference to the choice of officers: the president has the principal anomaly of a parliamentary government without having its corrective. At each change of party the president distributes (as here) the principal offices to his principal supporters; but he has an opportunity for singular favoritism: the minister lurks in the office, — he need do nothing in public, he need not show for years whether he is a fool or wise. The nation can tell what a parliamentary member is by the open test of parliament; but no one, save from actual contact or by rare position, can tell anything certain of a presidential minister.

The case of a minister under a hereditary form of government is yet worse: the hereditary king may be weak; may be under the government of women; may appoint a minister from childish motives, may remove one from absurd whims. There is no security that a hereditary king will be competent to choose a good chief minister, and thousands of such kings have chosen millions of bad ministers.

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By the dictatorial or revolutionary sort of government, I mean that very important sort in which the sovereign — the absolute sovereign — is selected by insurrection. In theory, one would have certainly hoped that by this time such a crude elective machinery would have been reduced to a secondary part; but in fact the greatest nation (or perhaps, after the exploits of Bismarck, I should say one of the two greatest nations) of the Continent vacillates between the revolutionary and the parliamentary, and now is governed under the revolutionary form: France elects its ruler in the streets of Paris. Flatterers may suggest that the democratic Empire will become hereditary, but close observers know that it cannot. The idea of the government is that the Emperor represents the people in capacity, in judgment, in instinct; but no family through generations can have sufficient or half sufficient mind to do so, — the representative despot must be chosen by fighting, as Napoleon I. and Napoleon III. were chosen. And such a government is likely, whatever be its other defects, to have a far better and abler administration than any other government: the head of the government must be a man of the most consummate ability; he cannot keep his place, he can hardly keep his life, unless he is. He is sure to be active, because he knows that his power, and perhaps his head, may be lost if he be negligent: the whole frame of his state is strained to keep down revolution. The most difficult of all political problems is to be solved, — the people are to be at once thoroughly restrained and thoroughly pleased. The executive must be like a steel shirt of the Middle Ages, extremely hard and extremely flexible. It must give way to attractive novelties which do not hurt, it must resist such as are dangerous; it must maintain old things which are good and fitting, it must alter such as cramp and give pain. The dictator dare not appoint a bad minister if he would. I admit

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that such a despot is a better selecter of administrators than a parliament; that he will know how to mix fresh minds and used minds better, that he is under a stronger motive to combine them well; that here is to be seen the best of all choosers with the keenest motives to choose: but I need not prove in England that the revolutionary selection of rulers obtains administrative efficiency at a price altogether transcending its value; that it shocks credit by its catastrophes; that for intervals it does not protect property or life; that it maintains an undergrowth of fear through all prosperity; that it may take years to find the true capable despot, that the interregna of the incapable are full of all evil; that the fit despot may die as soon as found, that the good administration and all else hang by the thread of his life.

But if, with the exception of this terrible revolutionary government, a parliamentary government upon principle surpasses all its competitors in administrative efficiency, why is it that our English government, which is beyond comparison the best of parliamentary governments, is not celebrated through the world for administrative efficiency? It is noted for many things, why is it not noted for that? why, according to popular belief, is it rather characterized by the very contrary?

One great reason of the diffused impression is, that the English government attempts so much. Our military system is that which is most attacked: objectors say we spend much more on our army than the great military monarchies, and yet with an inferior result; but then, what we attempt is incalculably more difficult. The Continental monarchies have only to defend compact European territories by the many soldiers whom they force to fight; the English try to defend without any compulsion — only by such soldiers as they persuade to serve — territories far surpassing

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all Europe in magnitude, and situated all over the habitable globe. Our Horse Guards and War Office may not be at all perfect,—I believe they are not; but if they had sufficient recruits selected by force of law,—if they had, as in Prussia, the absolute command of each man's time for a few years, and the right to call him out afterwards when they liked,—we should be much surprised at the sudden ease and quickness with which they did things. I have no doubt, too, that any accomplished soldier of the Continent would reject as impossible what we after a fashion effect: he would not attempt to defend a vast scattered empire, with many islands, a long frontier line in every continent, and a very tempting bit of plunder at the center, by mere volunteer recruits, who mostly come from the worst class of the people, whom the Great Duke called the "scum of the earth," who come in uncertain numbers year by year, who by some political accident may not come in adequate numbers or at all in the year we need them most. Our War Office attempts what foreign war offices (perhaps rightly) would not try at; their officers have means of incalculable force denied to ours, though ours is set to harder tasks.

Again, the English navy undertakes to defend a line of coast and a set of dependencies far surpassing those of any Continental power; and the extent of our operations is a singular difficulty just now. It requires us to keep a large stock of ships and arms, but on the other hand there are most important reasons why we should not keep much: the naval art and the military art are both in a state of transition; the last discovery of to-day is out of date and superseded by an antagonistic discovery to-morrow; any large accumulation of vessels or guns is sure to contain much that will be useless, unfitting, antediluvian, when it comes to be tried. There are two cries against the Admiralty which go on side by side: one

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says, "We have not ships enough, no 'relief' ships, no *navy*, to tell the truth;" the other cry says, "We have all the wrong ships, all the wrong guns, and nothing but the wrong: in their foolish constructive mania the Admiralty have been building when they ought to have been waiting; they have heaped a curious museum of exploded inventions, but they have given us nothing serviceable." The two cries for opposite policies go on together and blacken our executive together, though each is a defense of the executive against the other.

Again, the Home Department in England struggles with difficulties of which abroad they have long got rid. We love independent "local authorities," little centers of outlying authority. When the metropolitan executive most wishes to act, it cannot act effectually because these lesser bodies hesitate, deliberate, or even disobey. But local independence has no necessary connection with parliamentary government: the degree of local freedom desirable in a country varies according to many circumstances, and a parliamentary government may consist with any degree of it; we certainly ought not to debit parliamentary government as a general and applicable polity with the particular vices of the guardians of the poor in England, though it is so debited every day.

Again, as our administration has in England this peculiar difficulty, so on the other hand foreign competing administrations have a peculiar advantage. Abroad, a man under government is a superior being; he is higher than the rest of the world; he is envied by almost all of it: this gives the government the easy pick of the *élite* of the nation,—all clever people are eager to be under government, and are hardly to be satisfied elsewhere. But in England there is no such superiority, and the English have no such feeling: we do not respect a stamp-office clerk or an exciseman's assistant; a pursy grocer considers he is much above

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either. Our government cannot buy for minor clerks the best ability of the nation in the cheap currency of pure honor, and no government is rich enough to buy very much of it in money. Our mercantile opportunities allure away the most ambitious minds. The foreign *bureaux* are filled with a selection from the ablest men of the nation, but only a very few of the best men approach the English offices.

But these are neither the only nor even the principal reasons why our public administration is not so good as, according to principle and to the unimpeded effects of parliamentary government, it should be. There are two great causes at work, which in their consequences run out into many details, but which in their fundamental nature may be briefly described. The first of these causes is our ignorance. No polity can get out of a nation more than there is in the nation. A free government is essentially a government by persuasion; and as are the people to be persuaded, and as are the persuaders, so will that government be. On many parts of our administration the effect of our extreme ignorance is at once plain. The foreign policy of England has for many years been, according to the judgment now in vogue, inconsequent, fruitless, casual; aiming at no distinct preimagined end, based on no steadily preconceived principle. I have not room to discuss with how much or how little abatement this decisive censure should be accepted; however, I entirely concede that our recent foreign policy has been open to very grave and serious blame. But would it not have been a miracle if the English people, directing their own policy and being what they are, had directed a good policy? Are they not above all nations divided from the rest of the world, insular both in situation and in mind, both for good and for evil? are they not out of the current of common European causes and affairs? are they not a race contemptuous of others? are they not a race with no special education or culture as to the modern

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world, and too often despising such culture? Who could expect such a people to comprehend the new and strange events of foreign places? So far from wondering that the English Parliament has been inefficient in foreign policy, I think it is wonderful, and another sign of the rude vague imagination that is at the bottom of our people, that we have done so well as we have.

Again, the very conception of the English Constitution, as distinguished from a purely parliamentary constitution, is, that it contains "dignified" parts,—parts, that is, retained not for intrinsic use, but from their imaginative attraction upon an uncultured and rude population: all such elements tend to diminish simple efficiency. They are like the additional and solely ornamental wheels introduced into the clocks of the Middle Ages, which tell the then age of the moon or the supreme constellation, which make little men or birds come out and in theatrically. All such ornamental work is a source of friction and error; it prevents the time being marked accurately: each new wheel is a new source of imperfection. So if authority is given to a person, not on account of his working fitness but on account of his imaginative efficiency, he will commonly impair good administration; he may do something better than good work of detail, but will spoil good work of detail. The English aristocracy is often of this sort: it has an influence over the people, of vast value still and of infinite value formerly; but no man would select the cadets of an aristocratic house as desirable administrators,—they have peculiar disadvantages in the acquisition of business knowledge, business training, and business habits, and they have no peculiar advantages.

Our middle class, too, is very unfit to give us the administrators we ought to have. I cannot now discuss whether all that is said against our education is well grounded; it is called by an excellent judge "pretentious, insufficient, and unsound": but I will

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say that it does not fit men to be men of business as it ought to fit them, — till lately, the very simple attainments and habits necessary for a banker's clerk had a scarcity value. The sort of education which fits a man for the higher posts of practical life is still very rare; there is not even a good agreement as to what it is. Our public officers cannot be as good as the corresponding officers of some foreign nations till our business education is as good as theirs.*

But strong as is our ignorance in deteriorating our administration, another cause is stronger still. There are but two foreign administrations probably better than ours, and both these have had something which we have not had: theirs in both cases were arranged by a man of genius, after careful forethought and upon a special design. Napoleon built upon a clear stage which the French Revolution bequeathed him. The originality once ascribed to his edifice was indeed untrue: Tocqueville and Lavergne have shown that he did but run up a conspicuous structure in imitation of a latent one before concealed by the mediæval complexities of the old *régime*. But what we are concerned with now is, not Napoleon's originality, but his work: he undoubtedly settled the administration of France upon an effective, consistent, and enduring system; the succeeding governments have but worked the mechanism they inherited from him. Frederic the Great did the same in the new monarchy of Prussia. Both the French system and the Prussian are new machines, made in civilized times to do their appropriate work.

The English offices have never, since they were made, been arranged with any reference to one another; or rather they were never made, but grew as each could. The sort of free-trade which prevailed in public institutions in the English Middle Ages is

*I am happy to state that this evil is much diminishing. The improvement of [the] school education of the middle class in the last twenty-five years is marvelous. — B.

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very curious. Our three courts of law,—the Queen's Bench, the Common Pleas, and the Exchequer,—for the sake of the fees, extended an originally contracted sphere into the entire sphere of litigation. *Boni judicis est ampliare jurisdictionem*, went the old saying; or in English, "It is the mark of a good judge to augment the fees of his court," his own income and the income of his subordinates. The central administration, the Treasury, never asked any account of the moneys the courts thus received: so long as it was not asked to pay anything, it was satisfied. Only last year one of the many remnants of this system cropped up, to the wonder of the public. A clerk in the Patent Office stole some fees; and naturally the men of the nineteenth century thought our principal finance minister, the Chancellor of the Exchequer, would be, as in France, responsible for it. But the English law was different somehow: the Patent Office was under the Lord Chancellor, and the Court of Chancery is one of the multitude of our institutions which owe their existence to fee competition; and so it was the Lord Chancellor's business to look after the fees,—which of course, as an occupied judge, he could not. A certain act of Parliament did indeed require that the fees of the Patent Office should be paid into the Exchequer; and again the Chancellor of the Exchequer was thought to be responsible in the matter, but only by those who did not know. According to our system, the Chancellor of the Exchequer is the enemy of the Exchequer: a whole series of enactments try to protect it from him. Until a few months ago there was a very lucrative sinecure called the "Comptrollership of the Exchequer," designed to guard the Exchequer against its Chancellor; and the last holder, Lord Monteagle, used to say he was the pivot of the English Constitution. I have not room to explain what he meant, and it is not needful: what is to the purpose is, that by an inherited series of historical complexities, a defaulting clerk in an office

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of no litigation was not under [his] natural authority, the finance minister, but under a far-away judge who had never heard of him.

The whole office of the Lord Chancellor is a heap of anomalies. He is a judge, and it is contrary to obvious principle that any part of administration should be intrusted to a judge, — it is of very grave moment that the administration of justice should be kept clear of any sinister temptations; yet the Lord Chancellor, our chief judge, sits in the Cabinet and makes party speeches in the Lords. Lord Lyndhurst was a principal Tory politician, and yet he presided in the O'Connell case; Lord Westbury was in chronic wrangle with the bishops, but he gave judgment upon "Essays and Reviews." In truth the Lord Chancellor became a Cabinet minister because, being near the person of the sovereign, he was high in court precedence, and not upon a political theory wrong or right.

A friend once told me that an intelligent Italian asked him about the principal English officers, and that he was very puzzled to explain their duties, and especially to explain the relation of their duties to their titles. I do not remember all the cases; but I can recollect that the Italian could not comprehend why the First Lord of the Treasury had as a rule nothing to do with the Treasury, or why the "Woods and Forests" looked after the sewerage of towns. This conversation was years before the cattle plague, but I should have liked to hear the reasons why the Privy Council office had charge of that malady; of course one could give a historical reason, but I mean an administrative reason, — a reason which would show, not how it came to have the duty, but why in future it should keep it.

But the unsystematic and casual arrangement of our public offices is not more striking than their difference of arrangement for the one purpose they have in common. They all, being under the ultimate direction of a parliamentary official, ought to have the best

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means of bringing the whole of the higher concerns of the office before that official: when the fresh mind rules, the fresh mind requires to be informed. And most business being rather alike, the machinery for bringing it before the extrinsic chief ought for the most part to be similar; at any rate, where it is different it ought to be different upon reason, and where it is similar, similar upon reason. Yet there are almost no two offices which are exactly alike in the defined relations of the permanent official to the parliamentary chief. Let us see. The *Army* and *Navy* are the most similar in nature: yet there is in the army a permanent outside office, called the Horse Guards, to which there is nothing else like; in the navy there is a curious anomaly,—a Board of Admiralty, also changing with every Government, which is to instruct the First Lord in what he does not know. The relations between the First Lord and the Board have not always been easily intelligible; and those between the War Office and the Horse Guards are in extreme confusion,—even now a parliamentary paper relating to them has just been presented to the House of Commons, which says the fundamental and ruling document cannot be traced beyond the possession of Sir George Lewis, who was Secretary for War three years since, and the confused details are endless, as they must be in a chronic contention of offices. At the *Board of Trade* there is only the hypothesis of a board,—it has long ceased to exist; even the President and Vice-President do not regularly meet for the transaction of affairs: the patent of the latter is only to transact business in the absence of the President; and if the two are not intimate and the President chooses to act himself, the Vice-President sees no papers and does nothing. At the *Treasury* the shadow of a board exists; but its members have no power, and are the very officials whom Canning said existed to make a House, to keep a House, and to cheer the ministers. The *India Office*

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has a fixed "Council"; but the *Colonial Office*, which rules over our other dependencies and colonies, has not and never had the vestige of a council. *Any* of these varied constitutions may be right, but all of them can scarcely be right.

In truth, the real constitution of a permanent office to be ruled by a permanent chief has been discussed only once in England; that case was a peculiar and anomalous one, and the decision then taken was dubious. A new India Office, when the East India Company was abolished, had to be made. The late Mr. James Wilson, a consummate judge of administrative affairs, then maintained that no council ought to be appointed *eo nomine*, but that the true council of a cabinet minister was a certain number of highly paid, much occupied, responsible secretaries, whom the minister could consult, either separately or together, as and when he chose. Such secretaries, Mr. Wilson maintained, must be able; for no minister will sacrifice his own convenience and endanger his own reputation by appointing a fool to a post so near himself, and where he can do much harm. A member of a board may easily be incompetent; if some other members and the chairman are able; the addition of one or two stupid men will not be felt, — they will receive their salaries and do nothing: but a permanent under-secretary, charged with a real control over much important business, must be able, or his superior will be blamed and there will be "a scrape in parliament."

I cannot here discuss, nor am I competent to discuss, the best mode of composing public offices and of adjusting them to a parliamentary head; there ought to be on record skilled evidence on the subject, before a person without any specific experience can to any purpose think about it: but I may observe that the plan which Mr. Wilson suggested is that followed in the most successful part of our administration, the Ways and Means part. When the Chancellor of the Exchequer prepares a budget, he requires from

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the responsible heads of the revenue department their estimates of the public revenue, upon the preliminary hypothesis that no change is made but that last year's taxes will continue; if afterwards he thinks of making an alteration, he requires a report on that too. If he has to renew Exchequer bills, or operate anyhow in the City, he takes the opinion, oral or written, of the ablest and most responsible person at the National Debt Office and the ablest and most responsible at the Treasury. Mr. Gladstone, by far the greatest Chancellor of the Exchequer of this generation, one of the very greatest of any generation, has often gone out of his way to express his obligation to these responsible skilled advisers: the more a man knows himself, the more habituated he is to action in general, the more sure he is to take and to value responsible counsel emanating from ability and suggested by experience. That this principle brings good fruit is certain: we have, by unequivocal admission, the best budget in the world. Why should not the rest of our administration be as good if we did but apply the same method to it?

I leave this to stand as it was originally written, since it does not profess to rest on my own knowledge, and only offers a suggestion on good authority. Recent experience seems, however, to show that in all great administrative departments there ought to be some one permanent responsible head through whom the changing parliamentary chief always acts, from whom he learns everything and to whom he communicates everything. The daily work of the Exchequer is a trifle compared with that of the Admiralty or the Home Office, and therefore a single principal head is not there so necessary; but the preponderance of evidence at present is, that in all offices of very great work some one such head is essential. — *Addendum to second edition.*

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VIII.

ITS SUPPOSED CHECKS AND BALANCES.

In a former essay I devoted an elaborate discussion to the comparison of the royal and unroyal form[s] of parliamentary government. I showed that at the formation of a ministry and during the continuance of a ministry, a really sagacious monarch might be of rare use. I ascertained that it was a mistake to fancy that at such times a constitutional monarch had no *rôle* and no duties; but I proved likewise that the temper, the disposition, and the faculties then needful to fit a constitutional monarch for usefulness were very rare, — at least as rare as the faculties of a great absolute monarch, — and that a common man in that place is apt to do at least as much harm as good, perhaps more harm. But in that essay I could not discuss fully the functions of a king at the conclusion of an administration, for then the most peculiar parts of the English government — the power to dissolve the House of Commons and the power to create new peers — come into play; and until the nature of the House of Lords and the nature of the House of Commons had been explained, I had no premises for an argument as to the characteristic action of the king upon them. We have since considered the functions of the two Houses, and also the effects of changes of ministry on our administrative system; we are now, therefore, in a position to discuss the functions of a king at the end of an administration.

I may seem over-formal in this matter, but I am very formal on purpose. It appears to me that the functions of our executive in dissolving the Commons

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and augmenting the Peers are among the most important and the least appreciated parts of our whole government, and that hundreds of errors have been made in copying the English Constitution from not comprehending them.

Hobbes told us long ago, and everybody now understands, that there must be a supreme authority, a conclusive power, in every state on every point somewhere: the idea of government involves it, when that idea is properly understood. But there are two classes of governments: in one the supreme determining power is upon all points the same; in the other that ultimate power is different upon different points, — now resides in one part of the constitution and now in another. The Americans thought that they were imitating the English in making their Constitution upon the last principle, — in having one ultimate authority for one sort of matter and another for another sort; but in truth the English Constitution is the type of the opposite species, — it has only one authority for all sorts of matters. To gain a living conception of the difference, let us see what the Americans did.

First, they altogether retained what in part they could not help, the sovereignty of the separate States. A fundamental article of the federal Constitution says that "the powers not delegated to the" central government "are reserved to the States respectively"; and the whole recent history of the Union — perhaps all its history — has been more determined by that enactment than by any other single cause. The sovereignty of the principal matters of state has rested not with the highest government, but with the subordinate government[s]. The federal government could not touch slavery, — the "domestic institution" which divided the Union into two halves, unlike one another in morals, politics, and social condition, and at last set them to fight: this determining political fact was not in the jurisdiction of the highest government in the country, where you might expect its highest wisdom,

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nor in the central government, where you might look for impartiality, but in local governments, where petty interests were sure to be considered and where only inferior abilities were likely to be employed; the capital fact was reserved for the minor jurisdictions. Again, there has been only one matter comparable to slavery in the United States, and that has been vitally affected by the State governments also: their ultra-democracy is not a result of federal legislation, but of State legislation. The federal Constitution deputed one of the main items of its structure to the subordinate governments: one of its clauses provides that the suffrages for the federal House of Representatives shall be, in each State, the same as for the most numerous branch of the legislature of that State; and as each State fixes the suffrage for its own legislature, the States altogether fix the suffrage for the federal lower chamber. By another clause of the federal Constitution, the States fix the electoral qualification for voting at a presidential election: the primary element in a free government, the determination how many people shall have a share in it, in America depends not on the government but on certain subordinate local — and sometimes, as in the South now, hostile — bodies.

Doubtless the framers of the Constitution had not much choice in the matter. The wisest of them were anxious to get as much power for the central government and to leave as little to the local governments as they could; but a cry was got up that this wisdom would create a tyranny and impair freedom, and with that help local jealousy triumphed easily. All federal government is in truth a case in which what I have called the dignified elements of government do not coincide with the serviceable elements. At the beginning of every league, the separate states are the old governments which attract and keep the love and loyalty of the people: the federal government is a useful thing, but new and unattractive; it must concede

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much to the state governments, for it is indebted to them for motive power, — they are the governments which the people voluntarily obey. When the state governments are not thus loved, they vanish as the little Italian and the little German potentates vanished; no federation is needed, — a single central government rules all.

But the division of the sovereign authority in the American Constitution is far more complex than this: the part of that authority left to the federal government is itself divided and subdivided. The greatest instance is the most obvious: the Congress rules the law, but the President rules the administration. One means of unity the Constitution does give, — the President can veto laws he does not like; but when two-thirds of both houses are unanimous (as has lately happened), they can overrule the President and make the laws without him. So here there are three separate repositories of the legislative power in different cases: first, Congress and the President when they agree; next, the President when he effectually exerts his power; then, the requisite two-thirds of Congress when they overrule the President. And the President need not be over-active in carrying out a law he does not approve of: he may indeed be impeached for gross neglect, but between criminal nonfeasance and zealous activity there are infinite degrees; Mr. Johnson does not carry out the Freedmen's Bureau Bill as Mr. Lincoln, who approved of it, would have carried it out. The American Constitution has a special contrivance for varying the supreme legislative authority in different cases, and dividing the administrative authority from it in all cases.

But the administrative power itself is not left thus simple and undivided. One most important part of administration is international policy, and the supreme authority here is not in the President, still less in the House of Representatives, but in the Senate; the President can only make treaties "provided

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two-thirds of the Senators present concur": the sovereignty therefore for the greatest international questions is in a different part of the state altogether from any common administrative or legislative question, — it is put in a place by itself.

Again, the Congress declares war; but they would find it very difficult, according to the recent construction of their laws, to compel the President to make a peace. The authors of the Constitution doubtless intended that Congress should be able to control the American executive as our Parliament controls ours, — they placed the granting of supplies in the House of Representatives exclusively; but they forgot to look after paper money, and now it has been held that the President has power to emit such money without consulting Congress at all. The first part of the late war was so carried on by Mr. Lincoln: he relied not on the grants of Congress, but on the prerogative of emission. It sounds a joke, but it is true nevertheless, that this power to issue "greenbacks" is decided to belong to the President as commander-in-chief of the army: it is part of what was called the "war power." In truth, money was wanted in the late war, and the administration got it in the readiest way; and the nation, glad not to be more taxed, wholly approved of it: but the fact remains that the President has now, by precedent and decision, a mighty power to continue a war without the consent of Congress, and perhaps against its wish. Against the united will of the American *people* a President would of course be impotent, — such is the genius of the place and nation that he would never think of it; but when the nation was (as of late) divided into two parties, one cleaving to the President, the other to the Congress, the now unquestionable power of the President to issue paper money may give him the power to continue the war though parliament (as we should speak) may enjoin the war to cease.

And lastly, the whole region of the very highest

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questions is withdrawn from the ordinary authorities of the State, and reserved for special authorities: the Constitution cannot be altered by any authorities within the Constitution, but only by authorities without it; every alteration of it, however urgent or however trifling, must be sanctioned by a complicated proportion of States or legislatures. The consequence is, that the most obvious evils cannot be quickly remedied; that the most absurd fictions must be framed to evade the plain sense of mischievous clauses; that a clumsy working and curious technicality mark the politics of a rough-and-ready people. The practical arguments and the legal disquisitions in America are often like those of trustees carrying out a misdrawn will: the sense of what they mean is good, but it can never be worked out fully or defended simply, so hampered is it by the old words of an old testament.

These instances (and others might be added) prove, as history proves too, what was the principal thought of the American Constitution-makers: they shrank from placing sovereign power anywhere,—they feared that it would generate tyranny; George III. had been a tyrant to them, and come what might they would not make a George III. Accredited theories said that the English Constitution divided the sovereign authority, and in imitation the Americans split up theirs.

The result is seen now: at the critical moment of their history there is no ready deciding power. The South, after a great rebellion, lies at the feet of its conquerors; its conquerors have to settle what to do with it.* They must decide the conditions upon which the Secessionists shall again become fellow-citizens, shall again vote, again be represented, again perhaps govern. The most difficult of problems is

*This was written just after the close of the Civil War, but I do not know that the great problem stated in it has as yet been adequately solved. —*Note to second edition*, B.

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how to change late foes into free friends. The safety of their great public debt, and with that debt their future credit and their whole power in future wars, may depend on their not giving too much power to those who must see in the debt the cost of their own subjugation, and who must have an inclination towards the repudiation of it now that their own debt—the cost of their defense—has been repudiated. A race, too, formerly enslaved, is now at the mercy of men who hate and despise it, and those who set it free are bound to give it a fair chance for new life. The slave was formerly protected by his chains,—he was an article of value; but now he belongs to himself, no one but himself has an interest in his life, and he is at the mercy of the "mean whites," whose labor he depreciates and who regard him with a loathing hatred. The greatest moral duty ever set before a government, and the most fearful political problem ever set before a government, are now set before the American; but there is no decision, and no possibility of a decision. The President wants one course, and has power to prevent any other; the Congress wants another course, and has power to prevent any other. The splitting of sovereignty into many parts amounts to there being no sovereign.

The Americans of 1787 thought they were copying the English Constitution, but they were contriving a contrast to it. Just as the American is the type of *composite* governments, in which the supreme power is divided between many bodies and functionaries, so the English is the type of *simple* constitutions, in which the ultimate power upon all questions is in the hands of the same persons.

The ultimate authority in the English Constitution is a newly elected House of Commons. No matter whether the question upon which it decides be administrative or legislative; no matter whether it concern high matters of the essential Constitution or small matters of daily detail; no matter whether it

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be a question of making a war or continuing a war; no matter whether it be the imposing a tax or the issuing a paper currency; no matter whether it be a question relating to India or Ireland or London, — a new House of Commons can despotically and finally resolve.

The House of Commons may, as was explained, assent in minor matters to the revision of the House of Lords, and submit in matters about which it cares little to the suspensive veto of the House of Lords; but when sure of the popular assent, and when freshly elected, it is absolute, — it can rule as it likes and decide as it likes. And it can take the best security that it does not decide in vain; it can insure that its decrees shall be executed, for it and it alone appoints the executive; it can inflict the most severe of all penalties on neglect, for it can remove the executive. It can choose, to effect its wishes, those who wish the same; and so its will is sure to be done. A stipulated majority of both houses of the American Congress can overrule by stated enactment their executive; but the popular branch of our legislature can make and unmake ours.

The English Constitution, in a word, is framed on the principle of choosing a single sovereign authority and making it good: the American, upon the principle of having many sovereign authorities and hoping that their multitude may atone for their inferiority. The Americans now extol their institutions, and so defraud themselves of their due praise; but if they had not a genius for politics, if they had not a moderation in action singularly curious where superficial speech is so violent, if they had not a regard for law such as no great people have yet evinced, and infinitely surpassing ours, — the multiplicity of authorities in the American Constitution would long ago have brought it to a bad end. Sensible shareholders, I have heard a shrewd attorney say, can work *any* deed of settlement; and so the men of Massachusetts

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could, I believe, work *any* constitution.* But political philosophy must analyze political history; it must distinguish what is due to the excellence of the people and what to the excellence of the laws; it must carefully calculate the exact effect of each part of the constitution, though thus it may destroy many an idol of the multitude, and detect the secret of utility where but few imagined it to lie.

How important singleness and unity are in political action, no one, I imagine, can doubt. We may distinguish and define its parts, but policy is a unit and a whole. It acts by laws, by administrators: it requires now one, now the other; unless it can easily move both it will be impeded soon; unless it has an absolute command of both its work will be imperfect. The interlaced character of human affairs requires a single determining energy: a distinct force for each artificial compartment will make but a motley patchwork, if it live long enough to make anything. The excellence of the British Constitution is that it has achieved this unity; that in it the sovereign power is single, possible, and good.

The success is primarily due to the peculiar provision of the English Constitution which places the choice of the executive in the "people's House"; but it could not have been thoroughly achieved except for two parts, which I venture to call the "safety-valve" of the Constitution and the "regulator."

The safety-valve is the peculiar provision of the Constitution of which I spoke at great length in my essay on the House of Lords. The head of the executive can overcome the resistance of the second chamber by choosing new members of that chamber; if he do not find a majority, he can make a majority. This is a safety-valve of the truest kind: it enables the popular will — the will of which the executive is

*Of course I am not speaking here of the South and Southeast, as they now are. How any free government is to exist in societies where so many bad elements are so much perturbed, I cannot imagine — B.

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the exponent, the will of which it is the appointee—to carry out within the Constitution, desires and conceptions which one branch of the Constitution dislikes and resists. It lets forth a dangerous accumulation of inhibited power which might sweep this Constitution before it, as like accumulations have often swept away like constitutions.

The regulator, as I venture to call it, of our single sovereignty is the power of dissolving the otherwise sovereign chamber confided to the chief executive. The defects of the popular branch of a legislature as a sovereign have been expounded at length in a previous essay; briefly, they may be summed up in three accusations:—

First, caprice is the commonest and most formidable vice of a choosing chamber. Wherever in our colonies parliamentary government is unsuccessful, or is alleged to be unsuccessful, this is the vice which first impairs it: the assembly cannot be induced to maintain any administration; it shifts its selection now from one minister to another minister, and in consequence there is no government at all.

Secondly, the very remedy for such caprice entails another evil. The only mode by which a cohesive majority and a lasting administration can be upheld in a parliamentary government is party organization; but that organization itself tends to aggravate party violence and party animosity. It is in substance subjecting the whole nation to the rule of a section of the nation, selected because of its speciality. Parliamentary government is in its essence a sectarian government, and is possible only when sects are cohesive.

Thirdly, a parliament, like every other sort of sovereign, has peculiar feelings, peculiar prejudices, peculiar interests; and it may pursue these in opposition to the desires and even in opposition to the well-being of the nation,—it has its selfishness as well as its caprice and its parties.

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The mode in which the regulating wheel of our Constitution produces its effect is plain. It does not impair the authority of Parliaments as a species, but it impairs the power of the individual Parliament. It enables a particular person outside Parliament to say, "You members of Parliament are not doing your duty: you are gratifying caprice at the cost of the nation; you are indulging party spirit at the cost of the nation; you are helping yourselves at the cost of the nation. I will see whether the nation approves what you are doing or not: I will appeal from Parliament No. 1 to Parliament No. 2."

By far the best way to appreciate this peculiar provision of our Constitution is to trace it in action; to see, as we saw before of the other powers of English royalty, how far it is dependent on the existence of a hereditary king, and how far it can be exercised by a premier whom Parliament elects. When we examine the nature of the particular person required to exercise the power, a vivid idea of that power is itself brought home to us.

First, as to the caprice of parliament in the choice of a premier, who is the best person to check it? Clearly, the premier himself: he is the person most interested in maintaining his administration, and therefore the most likely person to use efficiently and dexterously the power by which it is to be maintained. The intervention of an extrinsic king occasions a difficulty: a capricious parliament may always hope that his caprice may coincide with theirs. In the days when George III. assailed his Governments, the Premier was habitually deprived of his due authority. Intrigues were encouraged, because it was always dubious whether the king-hated minister would be permitted to appeal from the intriguers, and always a chance that the conspiring monarch might appoint one of the conspirators to be Premier in his room. The caprice of parliament is better checked when the faculty of dissolution is intrusted to its appointee,

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than when it is set apart in an outlying and an alien authority.

But on the contrary, the party zeal and the self-seeking of parliament are best checked by an authority which has no connection with parliament or dependence upon it, — supposing that such authority is morally and intellectually equal to the performance of the intrusted function. The prime minister, obviously, being the nominee of a party majority, is likely to share its feeling, and is sure to be obliged to *say* that he shares it. The actual contact with affairs is indeed likely to purify him from many prejudices, to tame him of many fanaticisms, to beat out of him many errors. The present Conservative Government contains more than one member who regards his party as intellectually benighted; who either never speaks their peculiar dialect, or who speaks it condescendingly and with an "aside"; who respects their accumulated prejudices as the "potential energies" on which he subsists, but who despises them while he lives by them. Years ago Mr. Disraeli called Sir Robert Peel's ministry — the last Conservative ministry that had real power — "an organized hypocrisy," so much did the ideas of its "head" differ from the sensations of its "tail." Probably he now comprehends (if he did not always) that the air of Downing Street brings certain ideas to those who live there, and that the hard compact prejudices of opposition are soon melted and mitigated in the great gulf-stream of affairs. Lord Palmerston, too, was a typical example of a leader lulling rather than arousing, assuaging rather than acerbating, the minds of his followers. But though the composing effect of close difficulties will commonly make a premier cease to be an immoderate partisan, yet a partisan to some extent he must be, and a violent one he may be; and in that case he is not a good person to check the party. When the leading sect (so to speak) in parliament is doing what the nation do not like, an instant appeal

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ought to be registered and parliament ought to be dissolved. But a zealot of a premier will not appeal: he will follow his formulæ; he will believe he is doing good service, when perhaps he is but pushing to unpopular consequences the narrow maxims of an inchoate theory. At such a minute a constitutional king such as Leopold I. was, and as Prince Albert might have been, is invaluable: he can and will prevent parliament from hurting the nation.

Again, too, on the selfishness of parliament an extrinsic check is clearly more efficient than an intrinsic. A premier who is made by parliament may share the bad impulses of those who chose him; or at any rate, he may have made "capital" out of them — he may have seemed to share them. The self-interests, the jobbing propensities of the assembly are sure indeed to be of very secondary interest to him: what he will care most for is the permanence, is the interest, whether corrupt or uncorrupt, of his own ministry. He will be disinclined to anything coarsely unpopular, — in the order of nature a new assembly must come before long, and he will be indisposed to shock the feelings of the electors from whom that assembly must emanate; but though the interest of the minister is inconsistent with appalling jobbery, he will be inclined to mitigated jobbery. He will temporize; he will try to give a seemly dress to unseemly matters, — to do as much harm as will content the assembly and yet not so much harm as will offend the nation. He will not shrink from becoming a *particeps criminis;* he will but endeavor to dilute the crime. The intervention of an extrinsic, impartial, and capable authority — if such can be found — will undoubtedly restrain the covetousness as well as the factiousness of a choosing assembly.

But can such a head be found? In one case I think it has been found: our colonial governors are precisely *dei ex machina.* They are always intelligent, for they have to live by a difficult trade; they

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are nearly sure to be impartial, for they come from the ends of the earth; they are sure not to participate in the selfish desires of any colonial class or body, for long before those desires can have attained fruition they will have passed to the other side of the world, be busy with other faces and other minds, be almost out of hearing what happens in a region they have half forgotten. A colonial governor is a super-parliamentary authority, animated by a wisdom which is probably in quantity considerable, and is different from that of the local parliament even if not above it. But even in this case the advantage of this extrinsic authority is purchased at a heavy price,—a price which must not be made light of because it is often worth paying: a colonial governor is a ruler who has no permanent interest in the colony he governs; who perhaps had to look for it in the map when he was sent thither; who takes years before he really understands its parties and its controversies; who, though without prejudice himself, is apt to be a slave to the prejudices of local people near him; who inevitably, and almost laudably, governs not in the interest of the colony, which he may mistake, but in his own interest, which he sees and is sure of. The first desire of a colonial governor is not to get into a "scrape"; not to do anything which may give trouble to his superiors—the Colonial Office—at home, which may cause an untimely and dubious recall, which may hurt his after career. He is sure to leave upon the colony the feeling that they have a ruler who only half knows them and does not so much as half care for them. We hardly appreciate this common feeling in our colonies, because *we* appoint *their* sovereign: but we should understand it in an instant if by a political metamorphosis the choice were turned the other way,—if *they* appointed *our* sovereign; we should then say at once, "How is it possible a man from New Zealand can understand England? How is it possible that a man longing to get back to the

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antipodes can care for England? How can we trust one who lives by the fluctuating favor of a distant authority? How can we heartily obey one who is but a foreigner with the accident of an identical language?"

I dwell on the evils which impair the advantage of colonial governorship because that is the most favored case of super-parliamentary royalty, and because from looking at it we can bring freshly home to our minds what the real difficulties of that institution are. We are so familiar with it that we do not understand it; we are like people who have known a man all their lives, and yet are quite surprised when he displays some obvious characteristic which casual observers have detected at a glance. I have known a man who did not know what color his sister's eyes were, though he had seen her every day for twenty years, — or rather he did not know *because* he had so seen her: so true is the philosophical maxim that we neglect the constant element in our thoughts, though it is probably the most important, and attend almost only to the varying elements, — the differentiating elements, as men now speak, — though they are apt to be less potent.

But when we perceive by the roundabout example of a colonial governor how difficult the task of a constitutional king is in the exercise of the function of dissolving parliament, we at once see how unlikely it is that a hereditary monarch will be possessed of the requisite faculties. A hereditary king is but an ordinary person, upon an average, at best; he is nearly sure to be badly educated for business, he is very little likely to have a taste for business; he is solicited from youth by every temptation to pleasure; he probably passed the whole of his youth in the vicious situation of the heir-apparent, who can do nothing because he has no appointed work, and who will be considered almost to outstep his function if he undertake optional work. For the most part, a

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constitutional king is a *damaged* common man: not forced to business by necessity as a despot often is, but yet spoiled for business by most of the temptations which spoil a despot. History, too, seems to show that hereditary royal families gather from the repeated influence of their corrupting situation some dark taint in the blood, some transmitted and growing poison, which hurts their judgments, darkens all their sorrow, and is a cloud on half their pleasure. It has been said, not truly but with a possible approximation to truth, that "in 1802 every hereditary monarch was insane." Is it likely that this sort of monarchs will be able to catch the exact moment when, in opposition to the wishes of a triumphant ministry, they ought to dissolve parliament? To do so with efficiency, they must be able to perceive that the parliament is wrong and that the nation knows it is wrong. Now, to know that parliament is wrong, a man must be, if not a great statesman, yet a considerable statesman,—a statesman of some sort; he must have great natural vigor, for no less will comprehend the hard principles of national policy; he must have incessant industry, for no less will keep him abreast with the involved detail to which those principles relate, and the miscellaneous occasions to which they must be applied. A man made common by nature and made worse by life is not likely to have either; he is nearly sure not to be *both* clever and industrious. And a monarch in the recesses of a palace, listening to a charmed flattery, unbiased by the miscellaneous world, who has always been hedged in by rank, is likely to be but a poor judge of public opinion; he may have an inborn tact for finding it out, but his life will never teach it him and will probably enfeeble it in him.

But there is a still worse case, a case which the life of George III.—which is a sort of museum of the defects of a constitutional king—suggests at once: the parliament may be wiser than the people,

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and yet the king may be of the same mind with the people. During the last years of the American war, the Premier, Lord North, upon whom the first responsibility rested, was averse to continuing it, and knew it could not succeed; Parliament was much of the same mind: if Lord North had been able to come down to Parliament with a peace in his hand, Parliament would probably have rejoiced, and the nation under the guidance of Parliament, though saddened by its losses, probably would have been satisfied. The opinion of that day was more like the American opinion of the present day than like our present opinion: it was much slower in its formation than our opinion now, and obeyed much more easily sudden impulses from the central administration. If Lord North had been able to throw the undivided energy and the undistracted authority of the executive Government into the excellent work of making a peace and carrying a peace, years of bloodshed might have been spared, and an entail of enmity cut off that has not yet run out. But there was a power behind the Prime Minister: George III. was madly eager to continue the war, and the nation, not seeing how hopeless the strife was, not comprehending the lasting antipathy which their obstinacy was creating, — ignorant, dull, and helpless, — was ready to go on too. Even if Lord North had wished to make peace, and had persuaded Parliament accordingly, all his work would have been useless: a superior power could and would have appealed from a wise and pacific Parliament to a sullen and warlike nation. The check which our Constitution finds for the special vices of our Parliament was misused to curb its wisdom.

The more we study the nature of cabinet government, the more we shall shrink from exposing at a vital instant its delicate machinery to a blow from a casual, incompetent, and perhaps semi-insane outsider. The preponderant probability is that on a great occasion the premier and parliament will really be wiser

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than the king. The premier is sure to be able, and is sure to be most anxious to decide well: if he fail to [so] decide he loses his place, though through all blunders the king keeps his; the judgment of the man naturally very discerning is sharpened by a heavy penalty, from which the judgment of the man by nature much less intelligent is exempt. Parliament, too, is for the most part a sound, careful, and practical body of men. Principle shows that the power of dismissing a Government with which parliament is satisfied, and of dissolving that parliament upon an appeal to the people, is not a power which a common hereditary monarch will in the long run be able beneficially to exercise.

Accordingly, this power has almost if not quite dropped out of the reality of our Constitution. Nothing, perhaps, would more surprise the English people than if the Queen, by a *coup d'état* and on a sudden, destroyed a ministry firm in the allegiance [of] and secure of a majority in Parliament. That power indisputably, in theory, belongs to her; but it has passed so far away from the minds of men that it would terrify them, if she used it, like a volcanic eruption from Primrose Hill. The last analogy to it is not one to be coveted as a precedent. In 1835 William IV. dismissed an administration which, though disorganized by the loss of its leader in the Commons, was an existing Government, [and] had a Premier in the Lords ready to go on and a leader in the Commons willing to begin. The King fancied that public opinion was leaving the Whigs and going over to the Tories, and he thought he should accelerate the transition by ejecting the former; but the event showed that he misjudged. His *perception* indeed was right: the English people were wavering in their allegiance to the Whigs, who had no leader that touched the popular heart, none in whom Liberalism could personify itself and become a passion; who besides were a body long used to opposition, and therefore making

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blunders in office; who were borne to power by a popular impulse which they only half comprehended, and perhaps less than half shared. But the King's *policy* was wrong: he impeded the reaction instead of aiding it; he forced on a premature Tory Government, which was as unsuccessful as all wise people perceived that it must be. The popular distaste to the Whigs was as yet but incipient, inefficient; and the intervention of the Crown was advantageous to them, because it looked inconsistent with the liberties of the people. And in so far as William IV. was right in detecting an incipient change of opinion, he did but detect an erroneous change: what was desirable was the prolongation of Liberal rule; the commencing dissatisfaction did but relate to the personal demerits of the Whig leaders and other temporary adjuncts of free principles, and not to those principles intrinsically. So that the last precedent for a royal onslaught on a ministry ended thus: in opposing the right principles, in aiding the wrong principles, in hurting the party it was meant to help. After such a warning, it is likely that our monarchs will pursue the policy which a long course of quiet precedent at present directs, — they will leave a ministry trusted by Parliament to the judgment of Parliament.

Indeed, the dangers arising from a party spirit in parliament exceeding that of the nation, and of a selfishness in parliament contradicting the true interest of the nation, are not great dangers in a country where the mind of the nation is steadily political, and where its control over its representatives is constant. A steady opposition to a formed public opinion is hardly possible in our House of Commons, so incessant is the national attention to politics, and so keen the fear in the mind of each member that he may lose his valued seat. These dangers belong to early and scattered communities, where there are no interesting political questions, where the distances are great, where no vigilant opinion passes judgment on

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parliamentary excesses, where few care to have seats in the chamber and where many of those few are from their characters and their antecedents better not there than there. The one great vice of parliamentary government in an adult political nation is the caprice of parliament in the choice of a ministry. A nation can hardly control it here; and it is not good that except within wide limits it should control it,— the parliamentary judgment of the merits or demerits of an administration very generally depends on matters which the parliament, being close at hand, distinctly sees, and which the distant nation does not see. But where personality enters, capriciousness begins: it is easy to imagine a House of Commons which is discontented with all statesmen, which is contented with none, which is made up of little parties, which votes in small knots, which will adhere steadily to no leader, which gives every leader a chance and a hope. Such parliaments require the imminent check of possible dissolution; but that check is (as has been shown) better in the premier than in the sovereign, and by the late practice of our Constitution its use is yearly ebbing from the sovereign and yearly centering in the Premier. The Queen can hardly now refuse a defeated minister the chance of a dissolution, any more than she can dissolve in the time of an undefeated one and without his consent.

We shall find the case much the same with the safety-valve, as I have called it, of our Constitution. A good capable hereditary monarch would exercise it better than a premier, but a premier could manage it well enough; and a monarch capable of doing better will be born only once in a century, whereas monarchs likely to do worse will be born every day.

There are two modes in which the power of our executive to create peers—to nominate, that is, additional members of our upper and revising chamber—now acts: one constant, habitual, though not adequately noticed by the popular mind as it goes on;

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and the other possible and terrific, scarcely ever really exercised, but always by its reserved magic maintaining a great and a restraining influence. The Crown creates peers, a few year by year, and thus modifies continually the characteristic feeling of the House of Lords. I have heard people say, who ought to know, that the *English* peerage (the only one upon which unhappily the power of new creation now acts) is now more Whig than Tory: thirty years ago the majority was indisputably the other way. Owing to very curious circumstances, English parties have not alternated in power as a good deal of speculation predicts they would, and a good deal of current language assumes they have. The Whig party were in office some seventy years (with very small breaks), from the death of Queen Anne to the coalition between Lord North and Mr. Fox; then the Tories (with only such breaks) were in power for nearly fifty years, till 1832; and since, the Whig party has always, with very trifling intervals, been predominant. Consequently, each continuously governing party has had the means of modifying the upper House to suit its views. The profuse Tory creations of half a century had made the House of Lords bigotedly Tory before the first Reform Act, but it is wonderfully mitigated now. The Irish peers and the Scotch peers — being nominated by an almost unaltered constituency, and representing the feelings of the majority of that constituency only (no minority having any voice) — present an unchangeable Tory element; but the element in which change is permitted has been changed. Whether the English peerage be or be not predominantly now Tory, it is certainly not Tory after the fashion of the Toryism of 1832. The Whig additions have indeed sprung from a class commonly rather adjoining upon Toryism than much inclining to Radicalism: it is not from men of large wealth that a very great impetus to organic change should be expected. The additions to the Peers have matched nicely enough

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with the old peers, and therefore they have effected more easily a greater and more permeating modification. The addition of a contrasting mass would have excited the old leaven; but the delicate infusion of ingredients similar in genus, though different in species, has modified the new compound without irritating the old original.

This ordinary and common use of the peer-creating power is always in the hands of the Premier, and depends for its characteristic use on being there. He, as the head of the predominant party, is the proper person to modify gradually the permanent chamber, which perhaps was at starting hostile to him, and at any rate can be best harmonized with the public opinion he represents by the additions he makes. Hardly any contrived constitution possesses a machinery for modifying its secondary house so delicate, so flexible, and so constant. If the power of creating life peers had been added, the mitigating influence of the responsible executive upon the House of Lords would have been as good as such a thing can be.

The catastrophic creation of peers for the purpose of swamping the upper House is utterly different. If an able and impartial exterior king is at hand, this power is best in that king. It is a power only to be used on great occasions, when the object is immense and the party strife unmitigated. This is the conclusive, the swaying power of the moment; and of course, therefore, it had better be in the hands of a power both capable and impartial than of a premier who must in some degree be a partisan. The value of a discreet, calm, wise monarch, if such should happen to be reigning at the acute crisis of a nation's destiny, is priceless: he may prevent years of tumult, save bloodshed and civil war, lay up a store of grateful fame to himself, prevent the accumulated intestine hatred of each party to its opposite. But the questions come back. Will there be such a monarch just then? What is the chance of having him

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just then? What will be the use of the monarch whom the accidents of inheritance, such as we know them to be, must upon an average bring us just then?

The answer to these questions is not satisfactory, if we take it from the little experience we have had in this rare matter. There have been but two cases at all approaching to a catastrophic creation of peers —to a creation which would suddenly change the majority of the Lords—in English history. One was in Queen Anne's time: the majority of [the] Peers in Queen Anne's time was Whig, and by profuse and quick creations Harley's ministry changed it to a Tory majority; so great was the popular effect, that in the next reign one of the most contested ministerial proposals was a proposal to take the power of indefinite peer creation from the Crown, and to make the number of Lords fixed as that of the Commons is fixed. But the sovereign had little to do with the matter. Queen Anne was one of the smallest people ever set in a great place: Swift bitterly and justly said she "had not a store of amity by her for more than one friend at a time," and just then her affection was concentrated on a waiting-maid; her waiting-maid told her to make peers, and she made them. But of large thought and comprehensive statesmanship she was as destitute as Mrs. Masham: she supported a bad ministry by the most extreme of measures, and she did it on caprice. The case of William IV. is still more instructive. He was a very conscientious king, but at the same time an exceedingly weak king. His correspondence with Lord Grey on this subject fills more than half a large volume—or rather his secretary's correspondence, for he kept a very clever man to write what he thought, or at least what those about him thought. It is a strange instance of high-placed weakness and conscientious vacillation. After endless letters, the King consents to make a *reasonable* number of peers, if required to

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pass the second reading of the Reform Bill; but owing to desertion of the "Waverers" from the Tories, the second reading is carried without it by nine: and then the King refuses to make peers, or at least enough peers, when a vital amendment is carried by Lord Lyndhurst, which would have destroyed and was meant to destroy the bill. In consequence there was a tremendous crisis, and nearly a revolution. A more striking example of well-meaning imbecility is scarcely to be found in history. No one who reads it carefully will doubt that the discretionary power of making peers would have been far better in Lord Grey's hands than in the King's: it was the uncertainty whether the King would exercise it, and how far he would exercise it, that mainly animated the Opposition. In fact, you may place power in weak hands at a revolution, but you cannot keep it in weak hands: it runs out of them into strong ones. An ordinary hereditary sovereign—a William IV. or a George IV.—is unfit to exercise the peer-creating power when most wanted. A half-insane king, like George III., would be worse: he might use it by unaccountable impulse when not required, and refuse to use it out of sullen madness when required.

The existence of a fancied check on the Premier is in truth an evil, because it prevents the enforcement of a real check. It would be easy to provide by law that an extraordinary number of peers—say more than ten annually—should not be created except on a vote of some large majority, suppose three-fourths of the lower House. This would insure that the Premier should not use the reserve force of the Constitution as if it were an ordinary force; that he should not use it except when the whole nation fixedly wished it; that it should be kept for a revolution, not expended on administration: and it would insure that he should then have it to use. Queen Anne's case and William IV.'s case prove that neither object is certainly attained by intrusting this critical and

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extreme force to the chance idiosyncrasies and habitual mediocrity of a hereditary sovereign.

It may be asked why I argue at such length a question in appearance so removed from practice, and in one point of view so irrelevant to my subject. No one proposes to remove Queen Victoria: if any one is in a safe place on earth, she is in a safe place. In these very essays it has been shown that the mass of our people would obey no one else; that the reverence she excites is the potential energy — as science now speaks — out of which all minor forces are made, and from which lesser functions take their efficiency. But looking not to the present hour and this single country, but to the world at large and coming times, no question can be more practical.

What grows upon the world is a certain matter-of-factness; the test of each century, more than of the century before, is the test of results. New countries are arising all over the world where there are no fixed sources of reverence; which have to make them; which have to create institutions which must generate loyalty by conspicuous utility. This matter-of-factness is the growth even in Europe of the two greatest and newest intellectual agencies of our time. One of these is business. We see so much of the material fruits of commerce that we forget its mental fruits: it begets a mind desirous of things, careless of ideas, not acquainted with the niceties of words. In all labor there should be profit, is its motto. It is not only true that we have "left swords for ledgers," but war itself is made as much by the ledger as by the sword. The soldier — that is, the great soldier — of to-day is not a romantic animal, dashing at forlorn hopes, animated by frantic sentiment, full of fancies as to a lady-love or a sovereign, but a quiet, grave man, busied in charts, exact in sums, master of the art of tactics, occupied in trivial detail; thinking, as the Duke of Wellington was said to do, *most* of the shoes of his soldiers; despising all

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manner of *éclat* and eloquence; perhaps, like Count Moltke, "silent in seven languages." We have reached a "climate" of opinion where figures rule; where our very supporter of divine right as we deemed him, our Count Bismarck, amputates kings right and left, applies the test of results to each, and lets none live who are not to do something. There has in truth been a great change during the last five hundred years in the predominant occupations of the ruling part of mankind. Formerly they passed their time either in exciting action or inanimate repose: a feudal baron had nothing between war and the chase—keenly animating things both—and what was called "inglorious ease." Modern life is scanty in excitements, but incessant in quiet action: its perpetual commerce is creating a "stock-taking" habit,—the habit of asking each man, thing, and institution, "Well, what have you done since I saw you last?"

Our physical science, which is becoming the dominant culture of thousands, and which is beginning to permeate our common literature to an extent which few watch enough, quite tends the same way. The two peculiarities are its homeliness and its inquisitiveness: its value for the most "stupid" facts, as one used to call them, and its incessant wish for verification,—to be sure, by tiresome seeing and hearing, that they are facts. The old excitement of thought has half died out, or rather it is diffused in quiet pleasure over a life, instead of being concentrated in intense and eager spasms. An old philosopher—a Descartes, suppose—fancied that out of primitive truths, which he could by ardent excogitation know, he might by pure deduction evolve the entire universe; intense self-examination and intense reason would, he thought, make out everything; the soul "itself by itself" could tell all it wanted, if it would be true to its sublimer isolation. The greatest enjoyment possible to man was that which this philosophy promises its votaries,—the pleasure of being always

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right and always reasoning, without ever being bound to look at anything. But our most ambitious schemes of philosophy now start quite differently. Mr. Darwin begins: —

"When on board H. M. S. 'Beagle' as naturalist, I was much struck with certain facts in the distribution of the organic beings inhabiting South America, and in the geological relations of the present to the past inhabitants of that continent. These facts, as will be seen in the latter chapters of this volume, seemed to throw some light on the origin of species, — that mystery of mysteries, as it has been called by one of our greatest philosophers. On my return home it occurred to me, in 1837, that something might perhaps be made out on this question by patiently accumulating and reflecting on all sorts of facts which could possibly have any bearing on it. After five years' work I allowed myself to speculate on the subject, and drew up some short notes; these I enlarged in 1844 into a sketch of the conclusions which then seemed to me probable; from that period to the present day I have steadily pursued the same object. I hope that I may be excused for entering on these personal details, as I give them to show that I have not been hasty in coming to a decision."*

If he hopes finally to solve his great problem, it is by careful experiments in pigeon-fancying and other sorts of artificial variety-making. His hero is not a self-inclosed, excited philosopher, but "that most skillful breeder, Sir John Sebright," who "used to say, with respect to pigeons, that he would produce any given feather in three years, but it would take him six years to obtain head and beak."† I am not saying that the new thought is better than the old, — it is no business of mine to say anything about that; I only wish to bring home to the mind, as nothing but instances can bring it home, how matter-of-fact, how petty as it would at first sight look, even our most ambitious science has become.

In the new communities which our emigrating habit now constantly creates, this prosaic turn of mind is intensified. In the American mind and in

* Preface to the "Origin of Species." † "Origin of Species," Chap. I.

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the colonial mind there is, as contrasted with the old English mind, a *literalness;* a tendency to say, "The facts are so and so, whatever may be thought or fancied about them." We used before the Civil War to say that the Americans worshiped the "almighty dollar": we now know that they can scatter money almost recklessly when they will. But what we meant was half right: they worship visible value,—obvious, undeniable, intrusive result. And in Australia and New Zealand the same turn comes uppermost. It grows from the struggle with the wilderness: physical difficulty is the enemy of early communities, and an incessant conflict with it for generations leaves a mark of reality on the mind,—a painful mark almost to us, used to impalpable fears and the half-fanciful dangers of an old and complicated society. The "new Englands" of all latitudes are bare-minded (if I may so say) as compared with the "old."

When, therefore, the new communities of the colonized world have to choose a government, they must choose one in which *all* the institutions are of an obvious evident utility. We catch the Americans smiling at our Queen with her secret mystery and our Prince of Wales with his happy inaction. It is impossible, in fact, to convince their prosaic minds that constitutional royalty is a rational government, that it is suited to a new age and an unbroken country, that those who start afresh can start with it. The princelings who run about the world, with excellent intentions but an entire ignorance of business, are to them a locomotive advertisement that this sort of government is European in its limitations and mediæval in its origin; that though it has yet a great part to play in the old states, it has no place or part in new states. The *réalisme impitoyable* which good critics find in a most characteristic part of the literature of the nineteenth century is to be found also in its politics: an ostentatious utility must characterize its creations.

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The deepest interest, therefore, attaches to the problem of this essay. If hereditary royalty had been essential to parliamentary government, we might well have despaired of that government: but accurate investigation shows that this royalty is not essential; that upon an average, it is not even in a high degree useful; that though a king with high courage and fine discretion — a king with a genius for the place — is always useful and at rare moments priceless, yet that a common king, a king such as birth brings, is of no use at difficult crises, while in the common course of things his aid is neither likely nor required, — he will do nothing and he need do nothing. But we happily find that a new country need not fall back into the fatal division of powers incidental to a presidential government: it may, if other conditions serve, obtain the ready, well-placed, identical sort of sovereignty which belongs to the English Constitution, under the unroyal form of parliamentary government.

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IX.

THE PREREQUISITES OF CABINET GOVERNMENT, AND THE PECULIAR FORM WHICH THEY HAVE ASSUMED IN ENGLAND.

CABINET GOVERNMENT is rare because its prerequisites are many. It requires the coexistence of several national characteristics which are not often found together in the world, and which should be perceived more distinctly than they often are. It is fancied that the possession of a certain intelligence and a few simple virtues are the sole requisites: these mental and moral qualities are necessary, but much else is necessary also. A cabinet government is the government of a committee elected by the legislature, and there are therefore a double set of conditions to it: first, those which are essential to all elective governments as such; and second, those which are requisite to this particular elective government. There are prerequisites for the genus, and additional ones for the species.

The first prerequisite of elective government is the *mutual confidence* of the electors. We are so accustomed to submit to be ruled by elected ministers, that we are apt to fancy all mankind would readily be so too: knowledge and civilization have at least made this progress, that we instinctively, without argument, almost without consciousness, allow a certain number of specified persons to choose our rulers for us. It seems to us the simplest thing in the world; but it is one of the gravest things.

The peculiar marks of semi-barbarous people are

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diffused distrust and indiscriminate suspicion. People in all but the most favored times and places are rooted to the places where they were born, think the thoughts of those places, can endure no other thoughts. The next parish even is suspected: its inhabitants have different usages,—almost imperceptibly different, but yet different; they speak a varying accent; they use a few peculiar words; tradition says that their faith is dubious. And if the next parish is a little suspected, the next county is much more suspected: here is a definite beginning of new maxims, new thoughts, new ways; the immemorial boundary mark begins in feeling a strange world. And if the next county is dubious, a remote county is untrustworthy: "vagrants come from thence," men know, and they know nothing else. The inhabitants of the North speak a dialect different from the dialect of the South: they have other laws, another aristocracy, another life. In ages when distant territories are blanks in the mind, when neighborhood is a sentiment, when locality is a passion, concerted co-operation between remote regions is impossible even on trivial matters: neither would rely enough upon the good faith, good sense, and good judgment of the other; neither could enough calculate on the other.

And if such co-operation is not to be expected in trivial matters, it is not [to] be thought of in the most vital matter of government,—the choice of the executive ruler. To fancy that Northumberland in the thirteenth century would have consented to ally itself with Somersetshire for the choice of a chief magistrate is absurd: it would scarcely have allied itself to choose a hangman. Even now, if it were palpably explained, neither district would like it; but no one says at a county election, "The object of this present meeting is to choose our delegate to what the Americans call the 'Electoral College,'—to the assembly which names our first magistrate, our substitute for their President. Representatives from this county

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will meet representatives from other counties, from cities and boroughs, and proceed to choose our rulers." Such bald exposition would have been impossible in old times; it would be considered queer, eccentric, if it were used now. Happily, the process of election is so indirect and hidden, and the introduction of that process was so gradual and latent, that we scarcely perceive the immense political trust we repose in each other. The best mercantile credit seems, to those who give it, natural, simple, obvious; they do not argue about it or think about it. The best political credit is analogous: we trust our countrymen without remembering that we trust them.

A second and very rare condition of an elective government is a *calm* national mind,—a tone of mind sufficiently stable to bear the necessary excitement of conspicuous revolutions. No barbarous, no semi-civilized nation has ever possessed this. The mass of uneducated men could not now in England be told, "Go to, choose your rulers:" they would go wild; their imaginations would fancy unreal dangers, and the attempt at election would issue in some forcible usurpation. The incalculable advantage of august institutions in a free state is, that they prevent this collapse; the excitement of choosing our rulers is prevented by the apparent existence of an unchosen ruler. The poorer and more ignorant classes — those who would most feel excitement, who would most be misled by excitement — really believe that the Queen governs. You could not explain to them the recondite difference between "reigning" and "governing": the words necessary to express it do not exist in their dialect, the ideas necessary to comprehend it do not exist in their minds. The separation of principal power from principal station is a refinement which they could not even conceive. They fancy they are governed by a hereditary Queen, a Queen by the grace of God, when they are really governed by a Cabinet and a Parliament, — men like themselves, chosen by themselves.

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The conspicuous dignity awakens the sentiment of reverence, and men often very undignified seize the occasion to govern by means of it.

Lastly, the third condition of all elective government is what I may call *rationality;* by which I mean a power involving intelligence, but yet distinct from it. A whole people electing its rulers must be able to form a distinct conception of distant objects. Mostly, the "divinity" that surrounds a king altogether prevents anything like a steady conception of him: you fancy that the object of your loyalty is as much elevated above you by intrinsic nature as he is by extrinsic position; you deify him in sentiment as once men deified him in doctrine. This illusion has been and still is of incalculable benefit to the human race. It prevents, indeed, men from choosing their rulers: you cannot invest with that loyal illusion a man who was yesterday what you are, who to-morrow may be so again, whom you chose to be what he is. But though this superstition prevents the election of rulers, it renders possible the existence of unelected rulers. Untaught people fancy that their king, crowned with the holy crown, anointed with the oil of Rheims, descended of the house of Plantagenet, is a different sort of being from any one not descended of the royal house, not crowned, not anointed. They believe that there is *one* man whom by mystic right they should obey, and therefore they do obey him. It is only in later times, when the world is wider, its experience larger, and its thought colder, that the plain rule of a palpably chosen ruler is even possible.

These conditions narrowly restrict elective government. But the prerequisites of a cabinet government are rarer still: it demands not only the conditions I have mentioned, but the possibility likewise of a good legislature, — a legislature competent to elect a sufficient administration.

Now, a competent legislature is very rare. *Any* permanent legislature at all, any constantly acting

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mechanism for enacting and repealing laws, is, though it seems to us so natural, quite contrary to the inveterate conceptions of mankind. The great majority of nations conceive of their law, either as something divinely given and therefore unalterable, or as a fundamental habit inherited from the past to be transmitted to the future. The English Parliament, of which the prominent functions are now legislative, was not [at] all so once: it was rather a *preservative* body. The custom of the realm, the aboriginal transmitted law, the law which was in the breast of the judges, could not be altered without the consent of Parliament, and therefore everybody felt sure it would not be altered except in grave, peculiar, and anomalous cases; the *valued* use of Parliament was not half so much to alter the law as to prevent the laws being altered. And such too was its real use: in early societies it matters much more that the law should be fixed than that it should be good. Any law which the people of ignorant times enact is sure to involve many misconceptions and to cause many evils; perfection in legislation is not to be looked for, and is not indeed much wanted, in a rude, painful, confined life: but such an age covets fixity; that men should enjoy the fruits of their labor, that the law of property should be known, that the law of marriage should be known—that the whole course of life should be kept in a calculable track is the *summum bonum* of early ages, the first desire of semi-civilized mankind. In that age men do not want to have their laws adapted, but to have their laws steady: the passions are so powerful, force so eager, the social bond so weak, that the august spectacle of an all but unalterable law is necessary to preserve society. In the early stages of human society all change is thought an evil, and *most* change is an evil: the conditions of life are so simple and so unvarying that any decent sort of rules suffice, so long as men know what they are. Custom is the first check on tyranny; that fixed

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routine of social life at which modern innovations chafe, and by which modern improvement is impeded, is the primitive check on base power. The perception of political expediency has then hardly begun; the sense of abstract justice is weak and vague: and a rigid adherence to the fixed mold of transmitted usage is essential to an unmarred, unspoiled, unbroken life.

In such an age, a legislature continuously sitting, always making laws, always repealing laws, would have been both an anomaly and a nuisance; but in the present state of the civilized part of the world such difficulties are obsolete. There is a diffused desire in civilized communities for an *adjusting* legislation; for a legislation which shall adapt the inherited laws to the new wants of a world which now changes every day. It has ceased to be necessary to maintain bad laws because it is necessary to have some laws: civilization is robust enough to bear the incision of legal improvements. But taking history at large, the rarity of cabinets is mostly due to the greater rarity of continuous legislatures.

Other conditions, however, limit even at the present day the area of a cabinet government. It must be possible to have not only a legislature, but to have a competent legislature,—a legislature willing to elect and willing to maintain an efficient executive. And this is no easy matter. It is indeed true that we need not trouble ourselves to look for that elaborate and complicated organization which partially exists in the House of Commons, and which is more fully and freely expanded in plans for improving the House of Commons: we are not now concerned with perfection or excellence, we seek only for simple fitness and bare competency.

The conditions of fitness are two: first, you must get a good legislature; and next, you must keep it good. And these are by no means so nearly connected as might be thought at first sight. To keep a

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legislature efficient, it must have a sufficient supply of substantial business: if you employ the best set of men to do nearly nothing, they will quarrel with each other about that nothing; where great questions end, little parties begin. And a very happy community, with few new laws to make, few old bad laws to repeal, and but simple foreign relations to adjust, has great difficulty in employing a legislature,—there is nothing for it to enact and nothing for it to settle: accordingly, there is great danger that the legislature, being debarred from all other kind[s] of business, may take to quarreling about its elective business; that controversies as to ministries may occupy all its time, and yet that time be perniciously employed; that a constant succession of feeble administrations, unable to govern and unfit to govern, may be substituted for the proper result of cabinet government, a sufficient body of men long enough in power to evince their sufficiency. The exact amount of non-elective business necessary for a parliament which is to elect the executive cannot, of course, be formally stated,—there are no numbers and no statistics in the theory of constitutions; all we can say is, that a parliament with little business, which is to be as efficient as a parliament with much business, must be in all other respects much better. An indifferent parliament may be much improved by the steadying effect of grave affairs; but a parliament which has no such affairs must be intrinsically excellent, or it will fail utterly.

But the difficulty of keeping a good legislature is evidently secondary to the difficulty of first getting it. There are two kinds of nations which can elect a good parliament. The first is a nation in which the mass of the people are intelligent, and in which they are comfortable. Where there is no honest poverty, where education is diffused and political intelligence is common, it is easy for the mass of the people to elect a fair legislature. The ideal is roughly realized in the North American colonies of England, and in

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the whole free States of the Union: in these countries there is no such thing as honest poverty, — physical comfort, such as the poor cannot imagine here, is there easily attainable by healthy industry; education is diffused much, and is fast spreading, — ignorant emigrants from the Old World often prize the intellectual advantages of which they are themselves destitute, and are annoyed at their inferiority in a place where rudimentary culture is so common. The greatest difficulty of such new communities is commonly geographical: the population is mostly scattered; and where population is sparse, discussion is difficult. But in a country very large as we reckon in Europe, a people really intelligent, really educated, really comfortable, would soon form a good opinion. No one can doubt that the New England States, if they were a separate community, would have an education, a political capacity, and an intelligence such as the numerical majority of no people equally numerous has ever possessed: in a state of this sort, where all the community is fit to choose a sufficient legislature, it is possible, it is almost easy, to create that legislature. If the New England States possessed a cabinet government as a separate nation, they would be as renowned in the world for political sagacity as they now are for diffused happiness.

The structure of these communities is indeed based on the principle of equality, and it is impossible that *any* such community can wholly satisfy the severe requirements of a political theorist: in every old community its primitive and guiding assumption is at war with truth. By its theory all people are entitled to the same political power, and they can only be so entitled on the ground that in politics they are equally wise. But at the outset of an agricultural colony this postulate is as near the truth as politics want: there are in such communities no large properties, no great capitals, no refined classes, — every one is comfortable and homely, and no one is at all more; equality is

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not artificially established in a new colony, it establishes itself. There is a story that among the first settlers in Western Australia, some who were rich took out laborers at their own expense, and also carriages to ride in; but soon they had to try if they could live in the carriages. Before the masters' houses were built, the laborers had gone off; they were building houses and cultivating land for themselves, and the masters were left to sit in their carriages. Whether this exact thing happened I do not know, but this sort of thing has happened a thousand times: there have been a whole series of attempts to transplant to the colonies a graduated English society, but they have always failed at the first step. The rude classes at the bottom felt that they were equal to or better than the delicate classes at the top; they shifted for themselves, and left the "gentlefolks" to shift for themselves: the base of the elaborate pyramid spread abroad, and the apex tumbled in and perished. In the early ages of an agricultural colony, whether you have political democracy or not, social democracy you must have; for nature makes it, and not you. But in time, wealth grows and inequality begins: A and his children are industrious, and prosper; B and his children are idle, and fail. If manufactures on a considerable scale are established,—and most young communities strive even by Protection to establish them,—the tendency to inequality is intensified: the capitalist becomes a unit with much, and his laborers a crowd with little. After generations of education, too, there arise varieties of culture: there will be an upper thousand or ten thousand of highly cultivated people in the midst of a great nation of moderately educated people. In theory it is desirable that this highest class of wealth and leisure should have an influence far out of proportion to its mere number; a perfect constitution would find for it a delicate expedient to make its fine thought tell upon the surrounding cruder thought: but as the world goes,

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when the whole of the population is as instructed and as intelligent as in the case I am supposing, we need not care much about this. Great communities have scarcely ever — never save for transient moments — been ruled by their highest thought; and if we can get them ruled by a decent capable thought, we may be well enough contented with our work, — we have done more than could be expected, though not all which could be desired. At any rate, an isocratic polity — a polity where every one votes, and where every one votes alike — is, in a community of sound education and diffused intelligence, a conceivable case of cabinet government: it satisfies the essential condition, — there is a people able to elect a parliament able to choose.

But suppose the mass of the people are not able to elect, — and this is the case with the numerical majority of all but the rarest nations, — how is a cabinet government to be then possible? It is only possible in what I may venture to call *deferential* nations. It has been thought strange, but there *are* nations in which the numerous unwiser part wishes to be ruled by the less numerous wiser part: the numerical majority — whether by custom or by choice is immaterial — is ready, is eager to delegate its power of choosing its ruler to a certain select minority; it abdicates in favor of its *élite*, and consents to obey whoever that *élite* may confide in; it acknowledges as its secondary electors — as the choosers of its government — an educated minority, at once competent and unresisted; it has a kind of loyalty to some superior persons who are fit to choose a good government, and whom no other class opposes. A nation in such a happy state as this has obvious advantages for constructing a cabinet government: it has the best people to elect a legislature, and therefore it may fairly be expected to choose a good legislature, — a legislature competent to select a good administration.

England is the type of deferential countries; and

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the manner in which it is so, and has become so, is extremely curious. The middle classes — the ordinary majority of educated men — are in the present day the despotic power in England. "Public opinion," nowadays, "is the opinion of the bald-headed man at the back of the omnibus:" it is *not* the opinion of the aristocratical classes as such, or of the most educated or refined classes as such; it is simply the opinion of the ordinary mass of educated but still commonplace mankind. If you look at the mass of the constituencies, you will see that they are not very interesting people; and perhaps if you look behind the scenes and see the people who manipulate and work the constituencies, you will find that these are yet more uninteresting. The English Constitution in its palpable form is this, — the mass of the people yield obedience to a select few; and when you see this select few, you perceive that though not of the lowest class, nor of an unrespectable class, they are yet of a heavy sensible class, — the last people in the world to whom, if they were drawn up in a row, an immense nation would ever give an exclusive preference.

In fact, the mass of the English people yield a deference rather to something else than to their rulers: they defer to what we may call the *theatrical show* of society. A certain state passes before them, — a certain pomp of great men, a certain spectacle of beautiful women; a wonderful scene of wealth and enjoyment is displayed, and they are coerced by it. Their imagination is bowed down: they feel they are not equal to the life which is revealed to them. Courts and aristocracies have the great quality which rules the multitude, though philosophers can see nothing in it, — visibility. Courtiers can do what others cannot: a common man may as well try to rival the actors on the stage in their acting, as the aristocracy in *their* acting. The higher world, as it looks from without, is a stage on which the actors walk their parts much better than the spectators can. This play

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is played in every district: every rustic feels that his house is not like my lord's house, his life like my lord's life, his wife like my lady. The climax of the play is the Queen: nobody supposes that their house is like the court, their life like her life, her orders like their orders. There is in England a certain charmed spectacle which imposes on the many, and guides their fancies as it will. As a rustic on coming to London finds himself in presence of a great show and vast exhibition of inconceivable mechanical things, so by the structure of our society he finds himself face to face with a great exhibition of political things which he could not have imagined, which he could not make, to which he feels in himself scarcely anything analogous.

Philosophers may deride this superstition, but its results are inestimable: by the spectacle of this august society, countless ignorant men and women are induced to obey the few nominal electors, — the £10 borough renters and the £50 county renters, — who have nothing imposing about them, nothing which would attract the eye or fascinate the fancy. What impresses men is not mind, but the result of mind: and the greatest of these results is this wonderful spectacle of society, which is ever new and yet ever the same; in which accidents pass and essence remains; in which one generation dies and another succeeds, as if they were birds in a cage or animals in a menagerie; of which it seems almost more than a metaphor to treat the parts as limbs of a perpetual living thing, so silently do they seem to change, so wonderfully and so perfectly does the conspicuous life of the new year take the place of the conspicuous life of last year. The apparent rulers of the English nation are like the most imposing personages of a splendid procession, — it is by them the mob are influenced, it is they whom the spectators cheer; the real rulers are secreted in second-rate carriages, — no one cares for them or asks about them, but they are

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obeyed implicitly and unconsciously by reason of the splendor of those who eclipsed and preceded them.

It is quite true that this imaginative sentiment is supported by a sensation of political satisfaction. It cannot be said that the mass of the English people are well off,—there are whole classes who have not a conception of what the higher orders call comfort, who have not the prerequisites of moral existence, who cannot lead the life that becomes a man; but the most miserable of these classes do not impute their misery to politics. If a political agitator were to lecture to the peasants of Dorsetshire and try to excite political dissatisfaction, it is much more likely that he would be pelted than that he would succeed. Of Parliament these miserable creatures know scarcely anything, of the Cabinet they never heard; but they would say that "for all they have heard, the Queen is very good," and rebelling against the structure of society is to their minds rebelling against the Queen, who rules that society, in whom all its most impressive part—the part that they know—culminates. The mass of the English people are politically contented as well as politically deferential.

A deferential community, even though its lowest classes are not intelligent, is far more suited to a cabinet government than any kind of democratic country, because it is more suited to political excellence. The highest classes can rule in it; and the highest classes must, as such, have more political ability than the lower classes. A life of labor, an incomplete education, a monotonous occupation, a career in which the hands are used much and the judgment is used little, cannot create as much flexible thought, as much applicable intelligence, as a life of leisure, a long culture, a varied experience, an existence by which the judgment is incessantly exercised and by which it may be incessantly improved. A country of respectful poor, though far less happy than where there are no poor to be respectful, is nevertheless far more fitted for the

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best government. You can use the best classes of the respectful country; you can only use the worst where every man thinks he is as good as every other.

It is evident that no difficulty can be greater than that of founding a deferential nation. Respect is traditional: it is given not to what is proved to be good, but to what is known to be old. Certain classes in certain nations retain by common acceptance a marked political preference, because they have always possessed it and because they inherit a sort of pomp which seems to make them worthy of it; but in a new colony — in a community where merit *may* be equal, and where there *cannot* be traditional marks of merit and fitness — it is obvious that a political deference can be yielded to higher culture only upon proof, first of its existence, and next of its political value. But it is nearly impossible to give such a proof so as to satisfy persons of less culture. In a future and better age of the world it may be effected, but in this age the requisite premises scarcely exist; if the discussion be effectually open, if the debate be fairly begun, it is hardly possible to obtain a rational, an argumentative acquiescence in the rule of the cultivated few. As yet the few rule by their hold, not over the reason of the multitude, but over their imaginations and their habits; over their fancies as to distant things they do not know at all, over their customs as to near things which they know very well.

A deferential community in which the bulk of the people are ignorant is therefore in a state of what is called in mechanics unstable equilibrium. If the equilibrium is once disturbed, there is no tendency to return to it, but rather to depart from it. A cone balanced on its point is in unstable equilibrium; for if you push it ever so little, it will depart farther and farther from its position and fall to the earth. So in communities where the mass are ignorant but respectful, if you once permit the ignorant class to begin to rule, you may bid farewell to deference forever.

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Their demagogues will inculcate, their newspapers will recount, that the rule of the existing dynasty (the people) is better than the rule of the fallen dynasty (the aristocracy). A people very rarely hears two sides of a subject in which it is much interested: the popular organs take up the side which is acceptable, and none but the popular organs in fact reach the people. A people *never* hears censure of itself: no one will tell it that the educated minority whom it dethroned, governed better or more wisely than it governs. A democracy will never, save after an awful catastrophe, return what has once been conceded to it; for to do so would be to admit an inferiority in itself of which, except by some almost unbearable misfortune, it could never be convinced.

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X.

ITS HISTORY, AND THE EFFECTS OF THAT HISTORY.— CONCLUSION.

A VOLUME might seem wanted to say anything worth saying* on the history of the English Constitution, and a great and new volume might still be written on it if a competent writer took it in hand. The subject has never been treated by any one combining the lights of the newest research and the lights of the most matured philosophy. Since the masterly book of Hallam was written, both political thought and historical knowledge have gained much; and we might have a treatise applying our strengthened calculus to our augmented facts. I do not pretend that I could write such a book; but there are a few salient particulars which may be fitly brought together, both because of their past interest and of their present importance.

There is a certain common polity, or germ of polity, which we find in all the rude nations that have attained civilization. These nations seem to begin in what I may call a consultative and tentative absolutism. The king of early days, in vigorous nations,

* *Since the first edition of this book was published, several valuable works have appeared which on many points throw much light on our early constitutional history, — especially Mr. Stubbs's "Select Charters and other Illustrations of English Constitutional History, from the Earliest Times to the Reign of Edward I.," Mr. Freeman's lecture on "The Growth of the English Constitution," and the chapter on the Anglo-Saxon Constitution in his "History of the Norman Conquest"; but we have not yet a great and authoritative work on the whole subject, such as I wished for when I wrote the passage in the text, and as it is most desirable that we should have. — *Note to second edition*, B.

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was not absolute as despots now are: there was then no standing army to repress rebellion, no organized espionage to spy out discontent, no skilled bureaucracy to smooth the ruts of obedient life. The early king was indeed consecrated by a religious sanction, — he was essentially a man apart, a man above others, divinely anointed or even God-begotten; but in nations capable of freedom this religious domination was never despotic. There was indeed no legal limit: the very words could not be translated into the dialect of those times. The notion of law as we have it — of a rule imposed by human authority, capable of being altered by that authority when it likes, and in fact so altered habitually — could not be conveyed to early nations, who regarded law half as an invincible prescription and half as a divine revelation. Law "came out of the king's mouth"; he gave it as Solomon gave judgment, — imbedded in the particular case, and upon the authority of Heaven as well as his own. A divine limit to the divine revealer was impossible, and there was no other source of law. But though there was no legal limit, there was a practical limit to subjection in what may be called the pagan part of human nature, — the inseparable obstinacy of freemen: they *never* would do exactly what they were told.

To early royalty, as Homer describes it in Greece and as we may well imagine it elsewhere, there were always two adjuncts: one, the "old men," the men of weight, the council, the *βουλή*, of which the king asked advice, from the debates in which the king tried to learn what he could do and what he ought to do; besides this there was the *ἀγορά*, the purely listening assembly as some have called it, but the *tentative* assembly as I think it might best be called, — the king came down to his assembled people in form to announce his will, but in reality — speaking in very modern words — to "feel his way." He was sacred, no doubt; and popular, very likely: still, he was half like a popular premier speaking to a high-spirited

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chamber; there were limits to his authority and power, — limits which he would discover by trying whether eager cheers received his mandate, or only hollow murmurs and a thinking silence.

This polity is a good one for its era and its place, but there is a fatal defect in it: the reverential associations upon which the government is built are transmitted according to one law, and the capacity needful to work the government is transmitted according to another law. The popular homage clings to the line of god-descended kings; it is transmitted by inheritance. But very soon that line comes to a child or an idiot, or one by some defect or other incapable; then we find everywhere the truth of the old saying that liberty thrives under weak princes; then the listening assembly begins not only to murmur, but to speak; then the grave council begins not so much to suggest as to inculcate, not so much to advise as to enjoin.

Mr. Grote has told at length how out of these appendages of the original kingdom the free states of Greece derived their origin, and how they gradually grew, — the oligarchical states expanding the council, and the democratical expanding the assembly. The history has as many varieties in detail as there were Greek cities, but the essence is the same everywhere: the political characteristic of the early Greeks, and of the early Romans too, is that out of the *tentacula* of a monarchy they developed the organs of a republic.

English history has been in substance the same, though its form is different and its growth far slower and longer: the scale was larger and the elements more various. A Greek city soon got rid of its kings, for the political sacredness of the monarch would not bear the daily inspection and constant criticism of an eager and talking multitude; everywhere in Greece the slave population — the most ignorant, and therefore the most unsusceptible of intellectual influences — was struck out of the account: but England began

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as a kingdom of considerable size, inhabited by distinct races, none of them fit for prosaic criticism and all subject to the superstition of royalty. In early England, too, royalty was much more than a superstition: a very strong executive was needed to keep down a divided, an armed, and an impatient country; and therefore the problem of political development was delicate. A formed free government in a homogeneous nation may have a strong executive; but during the transition state, while the republic is in course of development and the monarchy in course of decay, the executive is of necessity weak,—the polity is divided, and its action feeble and failing. The different orders of English people have progressed, too, at different rates. The change in the state of the higher classes since the Middle Ages is enormous, and it is all improvement; but the lower have varied little, and many argue that in some important respects they have got worse, even if in others they have got better. The development of the English Constitution was of necessity slow, because a quick one would have destroyed the executive and killed the state, and because the most numerous classes, who changed very little, were not prepared for any catastrophic change in our institutions.

I cannot presume to speak of the time before the Conquest, and the exact nature even of all Anglo-Norman institutions is perhaps dubious; at least, in nearly all cases there have been many controversies. Political zeal, whether Whig or Tory, has wanted to find a model in the past; and the whole state of society being confused, the precedents altering with the caprice of men and the chance of events, ingenious advocacy has had a happy field: but all that I need speak of is quite plain. There was a great "council" of the realm, to which the king summoned the most considerable persons in England, the persons he most wanted to advise him, and the persons whose tempers he was most anxious to ascertain. Exactly who came

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to it at first is obscure and unimportant. I need not distinguish between the "*magnum concilium* in Parliament" and the "*magnum concilium* out of Parliament": gradually the principal assemblies summoned by the English sovereign took the precise and definite form of Lords and Commons, as in their outside we now see them; but their real nature was very different. The Parliament of to-day is a ruling body: the mediæval Parliament was, if I may so say, an *expressive* body, — its function was to tell the executive, the king, what the nation wished he should do; to some extent to guide him by new wisdom, and to a very great extent to guide him by new facts. These facts were their own feelings, which were the feelings of the people because they were part and parcel of the people; from thence the king learned, or had the means to learn, what the nation would endure and what it would not endure, what he might do and what he might not do. If he much mistook this, there was a rebellion.

There are, as is well known, three great periods in the English Constitution. The first of these is the ante-Tudor period. The English Parliament then seemed to be gaining extraordinary strength and power: the title to the crown was uncertain, some monarchs were imbecile, many ambitious men wanted to "take the people into partnership." Certain precedents of that time were cited with grave authority centuries after, when the time of freedom had really arrived. But the causes of this rapid growth soon produced an even more sudden decline: confusion fostered it and confusion destroyed it. The structure of society then was feudal; the towns were only an adjunct and a make-weight. The principal popular force was an aristocratic force, acting with the co-operation of the gentry and yeomanry, and resting on the loyal fealty of sworn retainers; the head of this force, on whom its efficiency depended, was the high nobility: but the high nobility killed itself out.

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The great barons who adhered to the "Red Rose" or the "White Rose," or who fluctuated from one to the other, became poorer, fewer, and less potent every year; when the great struggle ended at Bosworth, a large part of the greatest combatants were gone. The restless, aspiring, rich barons, who made the civil war, were broken by it: Henry VII. attained a kingdom in which there was a Parliament to advise, but scarcely a Parliament to control.

The consultative government of the ante-Tudor period had little resemblance to some of the modern governments which French philosophers call by that name. The French Empire, I believe, calls itself so; but its assemblies are symmetrical shams. They are elected by a universal suffrage, by the ballot, and in districts once marked out with an eye to equality and still retaining a look of equality. But our English Parliaments were *un*symmetrical realities,—they were elected anyhow: the sheriff had a considerable license in sending writs to boroughs,—that is, he could in part pick its [Parliament's] constituencies; and in each borough there was a rush and scramble for the franchise, so that the strongest local party got it whether few or many. But in England at that time there was a great and distinct desire to know the opinion of the nation, because there was a real and close necessity: the nation was wanted to do something,—to assist the sovereign in some war, to pay some old debt, to contribute its force and aid in the critical conjuncture of the time. It would not have suited the ante-Tudor kings to have had a fictitious assembly: they would have lost their sole *feeler*, their only instrument for discovering national opinion. Nor could they have manufactured such an assembly if they wished: the instrument in that behalf is the centralized executive, and there was then no *préfet* by whom the opinion of a rural locality could be made to order and adjusted to suit the wishes of the capital. Looking at the mode of election, a theorist

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would say that these Parliaments were but "chance" collections of influential Englishmen. There would be many corrections and limitations to add to that statement if it were wanted to make it accurate, but the statement itself hits exactly the principal excellence of those Parliaments: if not chance collections of Englishmen, they were undesigned collections, — no administrations made them or could make them. They were *bona fide* counselors, whose opinion might be wise or unwise, but was anyhow of paramount importance because their co-operation was wanted for what was in hand.

Legislation as a positive power was very secondary in those old Parliaments; I believe no statute at all, as far as we know, was passed in the reign of Richard I., and all the ante-Tudor acts together would look meager enough to a modern parliamentary agent who had to live by them: but the negative action of Parliament upon the law was essential to its whole idea and ran through every part of its use. That the king could not change what was then the almost sacred *datum* of the common law without seeing whether his nation liked it or not, was an essential part of the "tentative" system. The king had to feel his way in this exceptional, singular act, — as those ages deemed original legislation, — as well as in lesser acts. The legislation was his at last; he enacted after consulting his Lords and Commons; his was the sacred mouth which gave holy firmness to the enactment: but he only dared alter the rule regulating the common life of his people after consulting those people; he would not have been obeyed if he had not, by a rude age which did not fear civil war as we fear it now. Many most important enactments of that period (and the fact is most characteristic) are declaratory acts: they do not profess to enjoin by inherent authority what the law shall in future be, but to state and mark what the law is; they are declarations of immemorial custom, not precepts of

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new duties. Even in the "Great Charter" the notion of new enactments was secondary: it was a great mixture of old and new; it was a sort of compact defining what was doubtful in floating custom, and was re-enacted over and over again, as boundaries are perambulated once a year and rights and claims tending to desuetude thereby made patent and cleared of new obstructions. In truth, such great "charters" were rather treaties between different orders and factions, confirming ancient rights or what claimed to be such, than laws in our ordinary sense. They were the "deeds of arrangement" of mediæval society, affirmed and reaffirmed from time to time; and the principal controversy was of course between the king and [the] nation,—the king trying to see how far the nation would let him go, and the nation murmuring and recalcitrating and seeing how many acts of [the] administration they could prevent and how many of its claims they could resist.

Sir James Mackintosh says that Magna Charta "converted the right of taxation into the shield of liberty"; but it did nothing of the sort. The liberty existed before, and the right to be taxed was an efflorescence and instance of it, not a substratum or a cause. The necessity of consulting the great council of the realm before taxation, the principle that the declaration of grievances by the Parliament was to precede the grant of supplies to the sovereign, are but conspicuous instances of the primitive doctrine of the ante-Tudor period that the king must consult the "great council" of the realm before he did anything, since he always wanted help. The right of self-taxation was justly inserted in the "great treaty," but it would have been a dead letter save for the armed force and aristocratic organization which compelled the king to make a treaty: it was a result, not a basis; an example, not a cause.

The civil wars of many years killed out the old councils (if I might so say); that is, destroyed three

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parts of the greater nobility who were its most potent members, tired the small nobility and the gentry, and overthrew the aristocratic organization on which all previous effectual resistance to the sovereign had been based.

The second period of the British Constitution begins with the accession of the House of Tudor, and goes down to 1688; it is in substance the history of the growth, development, and gradually acquired supremacy of the new "great council." I have no room and no occasion to narrate again the familiar history of the many steps by which the slavish Parliament of Henry VIII. grew into the murmuring Parliament of Queen Elizabeth, the mutinous Parliament of James I., and the rebellious Parliament of Charles I.; the steps were many, but the energy was one, — the growth of the English middle class (using that word in its most inclusive sense) and its animation under the influence of Protestantism. No one, I think, can doubt that Lord Macaulay is right in saying that political causes would not alone have then provoked such a resistance to the sovereign, unless propelled by religious theory. Of course the English people went to and fro from Catholicism to Protestantism, and from Protestantism to Catholicism (not to mention that the Protestantism was of several shades and sects), just as the first Tudor kings and queens wished; but that was in the pre-Puritan era: the mass of Englishmen were in an undecided state, just as Hooper tells us his father was, — "not believing in Protestantism, yet not disinclined to it." Gradually, however, a strong Evangelic spirit (as we should now speak) and a still stronger anti-Papal spirit entered into the middle sort of Englishmen, and added to that force, fiber, and substance which they have never wanted, an ideal warmth and fervor which they have almost always wanted; hence the saying that Cromwell founded the English Constitution. Of course, in seeming, Cromwell's work died with him; his dynasty

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was rejected, his republic cast aside: but the spirit which culminated in him never sank again, never ceased to be a potent—though often a latent and volcanic—force in the country. Charles II. said that he would never go again on his travels for anything or anybody; and he well knew that though the men whom he met at Worcester might be dead, still the spirit which warmed them was alive and young in others.

But the Cromwellian republic and the strict Puritan creed were utterly hateful to most Englishmen: they were, if I may venture on saying so, like the "Rouge" element in France and elsewhere,—the sole revolutionary force in the entire state,—and were hated as such. That force could do little of itself,—indeed, its bare appearance tended to frighten and alienate the moderate and dull as well as the refined and reasoning classes; alone, it was impotent against the solid clay of the English apathetic nature: but give this fiery element a body of decent-looking earth, give it an excuse for breaking out on an occasion when the decent, the cultivated, and [the] aristocratic classes could join with it,—and they could conquer by means of it and it could be disguised in their covering.

Such an excuse was found in 1688. James II., by incredible and pertinacious folly, irritated not only the classes which had fought *against* his father, but also those who had fought *for* his father; he offended the Anglican classes as well as the Puritan classes, all the Whig nobles and half the Tory nobles as well as the Dissenting *bourgeois:* the rule of Parliament was established by the concurrence of the usual supporters of royalty with the usual opponents of it. But the result was long weak. Our Revolution has been called the minimum of a revolution, because in law at least it only changed the dynasty; but exactly on that account it was the greatest shock to the common multitude, who see the dynasty but see nothing

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else. The support of the main aristocracy held together the bulk of the deferential classes, but it held them together imperfectly, uneasily, and unwillingly; huge masses of crude prejudice swayed hither and thither for many years. If an able Stuart had with credible sincerity professed Protestantism, probably he might have overturned the House of Hanover. So strong was inbred reverence for hereditary right, that until the accession of George III. the English government was always subject to the unceasing attrition of a competitive sovereign.

This was the result of what I insist on tediously, but what is most necessary to insist on, for it is a cardinal particular in the whole topic: many of the English people — the higher and more educated portion — had come to comprehend the nature of constitutional government, but the mass did not comprehend it; they looked to the sovereign as the government, and to the sovereign only. These were carried forward by the magic of the aristocracy, and principally by the influence of the great Whig families with their adjuncts; without that aid, reason or liberty would never have held them.

Though the rule of Parliament was definitely established in 1688, yet the mode of exercising that rule has since changed. At first Parliament did not know how to exercise it: the organization of parties and the appointment of Cabinets by parties grew up in the manner Macaulay has described so well. Up to the latest period the sovereign was supposed, to a most mischievous extent, to interfere in the choice of the persons to be ministers. When George III. finally became insane, in 1810, every one believed that George IV., on assuming power as Prince Regent, would turn out Mr. Perceval's Government and empower Lord Grey or Lord Grenville, the Whig leaders, to form another. The Tory ministry was carrying on a successful war — a war of existence — against Napoleon; but in the people's mind, the necessity at such an

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occasion for an unchanged Government did not outweigh the fancy that George IV. was a Whig. And a Whig, it is true, he had been before the French Revolution, when he lived an indescribable life in St. James's Street with Mr. Fox: but Lord Grey and Lord Grenville were rigid men, and had no immoral sort of influence; what liberalism of opinion the Regent ever had was frightened out of him (as of other people) by the Reign of Terror,—he felt, according to the saying of another monarch, that "he lived by being a royalist." It soon appeared that he was most anxious to retain Mr. Perceval, and that he was most eager to quarrel with the Whig lords: as we all know, he kept the ministry whom he found in office; but that it should have been thought he could then change them is a significant example how exceedingly modern our notions of the despotic action of Parliament in fact are.

By the steps of the struggle thus rudely mentioned (and by others which I have no room to speak of, nor need I), the change which in the Greek cities was effected both in appearance and in fact, has been effected in England, though in reality only and not in outside. Here too the appendages of a monarchy have been converted into the essence of a republic; only here, because of a more numerous heterogeneous political population, it is needful to keep the ancient show while we secretly interpolate the new reality.

This long and curious history has left its trace on almost every part of our present political condition: its effects lie at the root of many of our most important controversies; and because these effects are not rightly perceived, many of these controversies are misconceived.

One of the most curious peculiarities of the English people is its dislike of the executive government. We are not in this respect *un vrai peuple moderne*, like the Americans. The Americans conceive of their executive as one of their appointed agents; when it

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intervenes in common life, it does so, they consider, in virtue of the mandate of the sovereign people, and there is no invasion or dereliction of freedom in that people interfering with itself. The French, the Swiss, and all nations who breathe the full atmosphere of the nineteenth century, think so too. The material necessities of this age require a strong executive: a nation destitute of it cannot be clean or healthy or vigorous like a nation possessing it. By definition, a nation calling itself free should have no jealousy of the executive; for freedom means that the nation — the political part of the nation — wields the executive. But our history has reversed the English feeling: our freedom is the result of centuries of resistance, more or less legal or more or less illegal, more or less audacious or more or less timid, to the executive government; we have accordingly inherited the traditions of conflict, and preserve them in the fullness of victory. We look on state action not as our own action, but as alien action; as an imposed tyranny from without, not as the consummated result of our own organized wishes. I remember at the census of 1851 hearing a very sensible old lady say that "the liberties of England were at an end": if government might be thus inquisitorial, — if they might ask who slept in your house or what your age was, — what, she argued, might they not ask and what might they not do?

The natural impulse of the English people is to resist authority. The introduction of effectual policemen was not liked: I know people — old people, I admit — who to this day consider them an infringement of freedom and an imitation of the *gendarmes* of France. If the original policemen had been started with the present helmets, the result might have been dubious; there might have been a cry of military tyranny, and the inbred insubordination of the English people might have prevailed over the very modern love of *perfect* peace and order. The old notion

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that the government is an extrinsic agency still rules our imaginations, though it is no longer true and though in calm and intellectual moments we well know it is not. Nor is it merely our history which produces this effect,—we might get over that,—but the results of that history co-operate. Our double government so acts: when we want to point the antipathy to the executive, we refer to the jealousy of the Crown so deeply imbedded in the very substance of constitutional authority; so many people are loth to admit the Queen, in spite of law and fact, to be the people's appointee and agent, that it is a good rhetorical emphasis to speak of her prerogative as something *non*-popular and therefore to be distrusted. By the very nature of our government, our executive cannot be liked and trusted as the Swiss or the American is liked and trusted.

Out of the same history and the same results proceeds our tolerance of those "local authorities" which so puzzle many foreigners: in the struggle with the Crown, these local centers served as props and fulcrums. In the early Parliaments it was the local bodies which sent members to Parliament,—the counties and the boroughs,—and in that way and because of *their* free life the Parliament was free too: if active real bodies had not sent the representatives, they would have been powerless. This is very much the reason why our old rights of suffrage were so various: the government let whatever people happened to be the strongest in each town choose the members. They applied to the electing bodies the test of "natural selection": whatever set of people were locally strong enough to elect, did so. Afterwards, in the Civil War, many of the corporations, like that of London, were important bases of resistance. The case of London is typical and remarkable. Probably if there is any body more than another which an educated Englishman nowadays regards with little favor, it is the corporation of London: he connects it

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with hereditary abuses perfectly preserved, with large revenues imperfectly accounted for, with a system which stops the principal city government at an old archway, with the perpetuation of a hundred detestable parishes, with the maintenance of a horde of luxurious and useless bodies. For the want of all which makes Paris nice and splendid we justly reproach the corporation of London; for the existence of much of what makes London mean and squalid we justly reproach it too. Yet the corporation of London was for centuries a bulwark of English liberty: the conscious support of the near and organized capital gave the Long Parliament a vigor and vitality which they could have found nowhere else; their leading patriots took refuge in the City, and the nearest approach to an English "sitting in permanence" is the committee at Guildhall, where all members "that came were to have voices." Down to George III.'s time the City was a useful center of popular judgment. Here, as elsewhere, we have built into our polity pieces of the scaffolding by which it was erected.

De Tocqueville indeed used to maintain that in this matter the English were not merely historically excusable, but likewise politically judicious; he founded what may be called the *culte* of corporations. And it was natural that in France, where there is scarcely any power of self-organization in the people, where the *préfet* must be asked upon every subject and take the initiative in every movement, a solitary thinker should be repelled from the exaggerations of which he knew the evil to the contrary exaggeration of which he did not; but in a country like England, where business is in the air, where we can organize a vigilance committee on every abuse and an executive committee for every remedy,—as a matter of political instruction, which was De Tocqueville's point, —we need not care how much power is delegated to outlying bodies and how much is kept for the central body. We have had the instruction municipalities

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could give us; we have been through all that: now we are quite grown up, and can put away childish things.

The same causes account for the innumerable anomalies of our polity. I own that I do not entirely sympathize with the horror of these anomalies which haunts some of our best critics. It is natural that those who by special and admirable culture have come to look at all things upon the artistic side should start back from these queer peculiarities; but it is natural also that persons used to analyze political institutions should look at these anomalies with a little tenderness and a little interest. They *may* have something to teach us. Political philosophy is still more imperfect: it has been framed from observations taken upon regular specimens of politics and states, as to these its teaching is most valuable, but we must ever remember that its *data* are imperfect; the lessons are good where its primitive assumptions hold, but may be false where those assumptions fail. A philosophical politician regards a political anomaly as a scientific physician regards a rare disease,— it is to him an "interesting case"; there may still be instruction here, though we have worked out the lessons of common cases. I cannot, therefore, join in the full cry against anomalies: in my judgment it may quickly overrun the scent, and so miss what we should be glad to find.

Subject to this saving remark, however, I not only admit but maintain that our Constitution is full of curious oddities, which are impeding and mischievous and ought to be struck out. Our law very often reminds one of those outskirts of cities where you cannot for a long time tell how the streets came to wind about in so capricious and serpent-like a manner: at last it strikes you that they grew up, house by house, on the devious tracks of the old green lanes; and if you follow on to the existing fields, you may often find the change half complete. Just so the lines of

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our Constitution were framed in old eras of sparse population, few wants, and simple habits; and we adhere in seeming to their shape, though civilization has come with its dangers, complications, and enjoyments. These anomalies in a hundred instances mark the old boundaries of a constitutional struggle: the casual line was traced according to the strength of deceased combatants, succeeding generations fought elsewhere, and the hesitating line of a half-drawn battle was left to stand for a perpetual limit.

I do not count as an anomaly the existence of our double government, with all its infinite accidents, though half the superficial peculiarities that are often complained of arise out of it. The coexistence of a Queen's seeming prerogative and a Downing Street's real government is just suited to such a country as this in such an age as ours.*

*So well is our real government concealed that if you tell a cabman to drive to "Downing Street," he most likely will never have heard of it, and will not in the least know where to take you. It is only a "disguised republic" which is suited to such a being as the Englishman in such a century as the nineteenth — B.

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PARLIAMENTARY REFORM.*

(1859.)

[Reprinted as a pamphlet, with some corrections (but the most glaring and obvious blunder repeated unnoticed) and a few trivial alterations (often for the worse, and sometimes making nonsense out of a previously intelligible sentence); also with some fresh typographical blunders. I have called attention to all the material deviations. Later, this and the following article, with the section of the "English Constitution" added in the second edition, were collected in a volume entitled "Parliamentary Reform."—ED.]

WE shall not be expected to discuss in a party spirit the subject of Parliamentary Reform. It has never been objected to the *National Review* that it is a party organ; and even periodicals which have long been such, scarcely now discuss that subject in a party spirit. Both Whigs and Conservatives are pledged to do something, and neither as a party have agreed what they would do. We would attempt to give an impartial criticism of the electoral system which now exists, and some indication of the mode in which we think that its defects should be amended. It is possible, we fear, that our article may be long, and that our criticism on existing arrangements may appear tedious; but a preliminary understanding is requisite. Unless we are agreed as to what is to be desired, we cannot hope to agree as to what is to be done: a clear knowledge of the disease must precede the remedy. In business, no ingenuity of detail can compensate for indistinctness of design.

*On the Electoral Statistics of the Counties and Boroughs in England and Wales during the Twenty-Five Years from the Reform Act of 1832 to the Present Time. By William Newmarch, one of the Honorary Secretaries of the Statistical Society. Read before the Statistical Society, June 16, 1857, and printed in the Journal of that Society, Vol. XX., Parts 2 and 3.—We cannot speak too highly of these most admirable statistics. No pains have been spared to make them complete, and extreme judgment has been shown in the selection. When it is not otherwise stated, all our electoral statistics are from this source.

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There is much that may be said against the Reform Act of 1832; but on the whole it has been successful. It is a commonplace to speak of the legislative improvements of the last twenty-five years, and it would be tedious to enumerate them. Free Trade, a new colonial policy, the improved poor-law, the Encumbered Estate[s] Act in Ireland, the tithe commutation, municipal reform, the tentative but most judicious support of education, are only some of the results of the reform of the House of Commons. Scarcely less important is the improvement which the Reform Bill has introduced into the general tone of our administration: our executive has become purer, more considerate, and more humane, and it would be difficult to show that in its ordinary and beneficial action it is much weaker. Nor is this all. So much of agreement in opinion as we see around us is perhaps unexampled in a political age; and it is the more singular, because the English nation is now considerably less homogeneous in its social structure than it once was. The prodigious growth of manufactures and trade has created a new world in the North of England, which contrasts with the South in social circumstances and social habits; yet* at no former time was there such a difference as there now is between Lancashire and Devonshire. It is impossible not to ascribe this agreement to the habit of national discussion which the Reform Act has fostered. The scattered argument, the imperfect but perpetual influence of the press and society, have made us, perhaps even to an excessive degree, unanimous; possibly we are all too much disposed to catch the voice which is in the air: still, a little too much concord is better than a little too much discord. It is a striking result, that our present Constitution has educed from such dissimilar elements so much of harmony.

Beneficial, however, as are these incidental results of the Reform Bill, they are not the most important

*This word is an unaccountable addition in the reprint, exactly reversing the intended meaning.— ED.

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parts of its success. This measure has, to a considerable extent, been successful in its *design*. The object which its framers had in view was, to transfer the predominant influence in the state from certain special classes to the general aggregate of fairly instructed men. It is not perhaps very easy to prove upon paper that this has been, at least in a very great degree, effected: the most difficult thing to establish by argument is an evident fact of observation. There are no statistics of opinion to which we can refer, there is no numerical comparison which will establish the accordance of parliamentary with social opinion: we must trust to our eyes and ears, to the vague but conclusive evidence of events. If indeed public opinion had always been as unanimous as it now is, we should have some difficulty in ascertaining the fact; when everybody thinks the same, there is no saying which is the stronger party: but during the last twenty-six years there have been many periods at which public opinion was much divided and strongly excited. The great legislative changes which have been mentioned were not effected without long and animated party dissension. The policy of a great country like this has continually required the determination of critical questions, both at home and abroad; its ramified affairs have been a never-failing source of controverted topics. What would have been the sign if the expressed opinion of Parliament had been contrary to the distinct opinion of the country? In the present state of the country we should not have been long in learning it. We should have had political meetings not of one class but all classes, clouds of petitions from every quarter, endless articles in newspapers; the cry would only have died away when the obnoxious decision was reversed and the judgment of Parliament submitted itself to the will of the nation. The inclination of the House of Commons is evidently not to oppose the country; on the contrary, we all know the power, the undue power, possessed by that

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part of the press whose course is supposed to indicate what is likely to be the common opinion. So far from our legislators dissenting too often from the expressed judgment of the country, they are but too much swayed by indications of what it probably will be. The history of our great legislative changes of itself shows that the opinion of Parliament is in the main coincident with that of the nation: Parliament and the country were converted at the same time. Even the history of the Corn-Law agitation, which is often referred to as indicating the contrary, proves this conspicuously: it succeeded almost at the moment that impartial people, who had no interests on either side, were convinced that it ought to succeed. Mr. Cobden liked to relate that when he first began to dream of agitating the question, a most experienced nobleman observed to him, "Repeal the Corn Laws! you will repeal the monarchy as soon." The noble lord was right in estimating the tenacity and intensity of the Protectionist creed; but he did not know, and Mr. Cobden did, the power of plain argument on the common mass of plain men, and the certainty that *their* opinion, if really changed, would suffice to change the course of our legislation, even in opposition to strong aristocratic influence and very rooted prejudice. It has been said that Sir Robert Peel owed his success in life to "being converted at the conversion of the average man": the same influences acted on his mind that acted on the minds of most other people throughout the nation, and in much the same measure; he was therefore converted to new views at the same time that most other people were converted to them. The same may be said of the present Parliament. Nobody would call the reformed House of Commons original; it is never in advance of the higher order of cultivated thought: but every one would agree that it is pre-eminently considerate, well-judging, and convincible; and when people say this, they mean that its opinions commonly coincide with their own.

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In no respect is the reality of the accordance in opinion between Parliament and the nation so convincingly shown as in the sympathy of Parliament with the eccentricities of public opinion. We are constantly acknowledging that "the English mind" is exclusively occupied with single questions; sometimes with one and sometimes with another, but at each time with one only. If Parliament did not share the same influences as the general body of fairly educated men, there would every now and then be a remarkable contrast between the subjects which interested Parliament and that which occupied the nation. The intensity of our peculiar sympathies makes this more likely. Satirists say that the English nation is liable to intellectual *seizures;* and so exclusive and so res[is]tless is our intellectual absorption, so sudden its coming, so quick sometimes is its cessation, that there is some significance in the phrase,—we are struck with particular ideas, and for the time think of nothing else. It will be found that Parliament, if it be sitting, thinks of the same. No instance of this can be more remarkable than the parliamentary proceedings on Mr. Roebuck's motion for an inquiry into the conduct of the Crimean campaign. There was great excitement in the nation at the moment; it has enabled the present generation to understand what historians did not before understand,—the fate of poor Admiral Byng. The English nation cannot bear failure in war: if there had been any one to hang at the time Mr. Roebuck made his motion, and he could have been hanged directly, certainly he would have been hanged. On the other hand, the authority of statesmanlike opinion in Parliament, the weight of political connection, the legitimate disinclination to break up a Government during a dangerous crisis, and—what is more remarkable—the great preponderance of sound argument, were united to influence Parliament not to grant even an inquiry. The result showed that the opinion of our leading statesmen was right, and that

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the arguments they produced were incontrovertible: few investigations that have been commenced with so much outcry have ever had so trivial an effect. Yet in opposition to all these influences, usually so omnipotent, — in opposition to the combined force of personal feeling and abstract argument, — the House of Commons so far accurately represented the sentiment of the country as to grant, and even to insist on granting, the inquiry. This parliamentary episode appears to be an *instantia lucifera* on the subject: it shows that even when we could wish it otherwise, the House of Commons will echo the voice of the nation.

After all, there can be no more conclusive evidence of the substantial agreement between Parliament and the nation than the slight interest which is taken by the public in all questions of organic reform. Every one knows how the Reform Act of 1832 was carried; no one doubted that the public mind was excited then; no fair person could doubt what the decision of the nation then was. The "insurrection of the middle classes," as it has been called, insured the success of the bill. It was alleged by its most reasonable opponents "that the measure could not be final; that [the number of] those on whom it was proposed to confer the franchise would, even after the passing of the measure, be but small in comparison with those from whom it would be still withheld; that in a few years a similar agitation would recur, and a similar necessity of yielding to agitation; that the storm of 1832 would be a feeble prelude to that of 1842," etc. These prophecies were not without a species of probability, but they have not been realized; no excited multitude clamors for enfranchisement, — the reality is the reverse of the anticipation.

Two defects, however, may be discerned in the general accordance of parliamentary with national opinion.

The Parliament certainly has an undue bias towards the sentiments and views of the landed interest. It

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is not easy to trace this in immediate results. We have said that we scarcely think that it is proved by the history of the Free Trade agitation: that agitation was successful nearly if not quite as soon as it should have been. We may indeed speculate on the results which might have occurred if the Irish famine had not happened, and if Sir R. Peel had not formed a statesmanlike judgment upon its consequences; we may believe that there would in that case have been an opposition between an educated nation converted by reasoning to the principles of Free Trade, and a majority in Parliament wedded by prejudice and interest to Protection: still, as this is but conjecture, we cannot cite it as conclusive evidence. Nor is the partiality to real property in matters of taxation which is occasionally dwelt on very easy to prove in figures. The account is at best a complicated one: the exemption of land from probate duty is partly compensated by the succession duty, by the land tax, by the more severe pressure of the income tax, and still more by the necessary incidence of much local taxation on this kind of property. Still, a fair observer, closely comparing the opinion of the House of Commons with that of the public out of doors, will certainly observe some signs of a partiality towards the landed interest among our legislators. We cannot ascribe this to any obvious preponderance in number of the county over the borough seats: taking population as a test, it is otherwise. There are in England and Wales 159 county members, more than double that number (viz., 335) of borough members; the population of the represented boroughs is 7,500,000, that of the counties 10,500,000: consequently the represented boroughs have not as many inhabitants as the counties, though they elect twice the number of members. This test is of course a most imperfect one; but it may serve to show that in mere arithmetic the counties are not extravagantly favored. The real cause is the peculiar structure of our county

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society. A county member is almost of necessity one of the county gentry; he must not only possess land, but it must be land in that place: no one else is "entitled to stand." On the other hand, boroughs return a very miscellaneous class of members: many important land-owners sit for them; so great is the variety that no class is excluded from them altogether. This contrast must affect the distribution of parliamentary power; the county members form a peculiar class in the House of Commons, and exercise a steady influence there out of proportion to their mere numbers.* Besides, so much more of social influence belongs to the territorial aristocracy than to any other class that its weight is indefinitely increased: not a few men enter Parliament mainly to augment their social importance, and over these the unquestioned possessors of social rank necessarily have great power. A third circumstance contributes its effect: the ministers of the Crown are generally large land-owners; by imperious social usage they must be men of large property, and all opulence gravitates towards the land,—political opulence does so particularly. Until recently there was much difficulty in finding other investments not requiring sedulous personal attention, and not liable to be affected by political vicissitudes. It is of essential importance that ministers of state should be persons *at ease* in their worldly circumstances, and it is quite out of the question that they should have any share in the administration of commercial enterprises; they have enough to do without that. Their wealth, too, should not be in a form that could expose them even to the suspicion of stock-jobbing, or of making an improper use of political information. We have now many kinds of property—debentures, canal shares, railway shares, etc.—which have these advantages in nearly an equal degree with land itself, but the growth of these is recent; it may hereafter have important consequences, but it has not as yet

* So in the *Review*, with obvious accuracy; the reprint has "members."—ED.

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had time to achieve them. Accordingly the series of Cabinet ministers presents a nearly unbroken rank of persons who either are themselves large land-owners, or are connected closely by birth or intermarriage with large land-owners. This combination of circumstances gives to real property an influence in our political system greater than in strict theory we should wish it to have. It is true that the owners of much land are men of much leisure, and the possession of such property has a sedative influence, which in moderation may not be undesirable; but the effective representation of national opinion requires the selection of members of Parliament from men of various occupations, various tendencies, and various sympathies. Public opinion in a composite nation is formed by the action and reaction of many kinds of minds; and abstractedly it seems a defect that the solid mass of county members, on whatever side of the house they sit, should present features so marked and uniform.

The second defect in the accordance of parliamentary with national opinion is but another phase of the same fact: too little weight is at present given to the growing parts of the country, too much to the stationary. It appears that the county constituencies in England and Wales have only increased, in the twenty years between 1837 and 1857, from 473,000 to 505,000, —that is, at about six* per cent.; the borough constituencies in the same period have increased from 321,000 to 439,000, or at the rate of seventeen* per cent.: and it further appears, as we should expect, that the principal increase, both in the case of counties and boroughs, is not in the purely agricultural districts, but in the great scenes of manufacturing industry and in the metropolis. The growth of constituencies according to the present franchise is a much better test of relative importance than the mere growth of population: it indicates the increase of property, and therefore of presumable intelligence. These figures

*Obvious blunders for "seven" and "thirty-seven." — Ed.

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plainly indicate, if not an existing defect, yet a source of future defect in our representative system: if there was a just proportion between the two halves of England in 1832, there is not that just proportion now; in the long run, public opinion will be much more influenced by the growing portion of the country than by the stationary. It is an indistinct perception of this fact that stimulates whatever agitation for reform at present exists. The manufacturers of Leeds and Manchester do not give levees and entertainments to Mr. Bright from any attraction towards abstract democracy,—the rate-paying franchise which Mr. Bright desires would place these classes under the irresistible control of their workpeople: what our great traders really desire is, their own due weight in the community; they feel that the country squire and the proprietor of a petty borough have an influence in the nation above that which they ought to have, and greater than their own. A system arranged a quarter of a century ago presses with irritating constraint on those who have improved with half-magical rapidity during that quarter of a century, is unduly favorable to those who have improved much less or not at all.

Subject, however, to these two exceptions, the House of Commons of the present day coincides nearly—or sufficiently nearly—in habitual judgment with the fairly intelligent and reasonably educated part of the community. Almost all persons except the avowed holders of the democratic theory would think that this is enough. Most people wish to see embodied in Parliament the *true judgment* of the nation; they wish to see an elected legislature fairly representing—that is, coinciding in opinion with—the thinking part of the community: what more, they would inquire, is wanted? We answer that though this is by much the most important requisite of a good popular legislature, it is not absolutely the only one.

At present the most important function of the representative part of our legislature—the House of

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Commons—is the *ruling* function. By a very well known progress of events, the popular part of our Constitution has grown out of very small beginnings to a practical sovereignty over all the other parts. To possess the confidence of the House of Commons is all that a minister desires: the power of the Crown is reduced to a kind of social influence; that of the House of Lords is contracted to a suspensive veto. For the exercise of this ruling function, the substantial conformity of the judgment and opinion of the House of Commons with that of the fairly cultivated and fairly influential part of the people at large is the most important of possible conditions,—is in fact the one condition on which the satisfactory performance of that function appears to depend. No legislature destitute of this qualification, whatever its other merits may be, can create that feeling of diffused satisfaction which is the peculiar happiness of constitutional countries, or can insure that distinct comprehension of a popular policy which is the greatest source of their strength. Nothing can satisfy which is not comprehended; no policy can be popular which is not understood. This is a truth of every-day observation. We are nowadays so familiar with the beneficial results of the ruling action of Parliament that we are engrossed by it; we fancy that it is the sole duty of a representative assembly: yet so far is this from being the case that in England it was not even the original one.

The earliest function of a House of Commons was undeniably what we may call an *expressive* function. In its origin it was (matters of taxation excepted) a petitioning body: all the early statutes, as is well known, are in this form; the Petition of Right is an instance of its adoption in times comparatively recent. The function of the popular part of the legislature was then to represent to the king the *wants* of his faithful Commons; they were called to express the feelings of those who sent them, and their own. Of course, in its original form this function is obsolete;

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and if something analogous to it were not a needful element in the duties of every representative assembly, it would be childish to refer to it. But in every free country it is of the utmost importance—and in the long run a pressing necessity—that all opinions extensively entertained, all sentiments widely diffused, should be *stated* publicly before the nation. We may attribute* the real decision of questions, the actual adoption of policies, to* the ordinary and fair intelligence of the community or to the legislature which represents it: but we must also take care to bring before that fair intelligence and that legislature the sentiments, the interests, the opinions, the prejudices, the wants, of all classes of the nation; we must be sure that no decision is come to in ignorance of real facts and intimate wants. The diffused multitude of moderate men, whose opinions taken in the aggregate form public opinion, are just as likely to be tyrannical towards what they do not realize, inapprehensive of what is not argued out, thoughtless of what is not brought before them, as any other class can be. They will judge well of what they are made to understand; they will not be harsh to feelings that are brought home to their imagination: but the materials of a judgment must be given them, the necessary elements of imagination must be provided, otherwise the result is certain. A free government is the most stubbornly stupid of all governments to whatever is *unheard* by its deciding classes; on this account it is of the utmost importance that there should be in the House of Commons some persons able to speak and authorized to speak the wants, sentiments, and opinions of every section of the community,—delegates, one might almost say, of that section. It is only by argument in the legislature that the legislature can be impressed; it is by argument in the legislature that the attention of the nation is most easily attracted and most effectually retained.

*In the *Review*, "place . . . in"; better words, the meaning being obviously "consign."—Ed.

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If with the light of this principle we examine our present system of representation, it seems unquestionable that it is defective. We do not provide any mode of expression for the sentiments of what are vaguely but intelligibly called the "working classes"; we ignore them. The Reform Act of 1832 assumed that it was expedient to give a representation to the wants and feelings of those who live in £10 houses, but that it was not expedient to give any such expression to the wants and feelings of those who live in houses rated below that sum. If we were called to consider that part of this subject, we should find much to excuse the framers of that Act, in the state of opinion which then prevailed and the general circumstances of the time,—it was necessary to propose a simple measure, and this numerical demarcation has a trenchant simplicity; but if we now considerately review our electoral organization, we must concede that however perfectly it may provide an appropriate regulator for our national affairs, it omits to provide a befitting organ of *expression* for the desires and convictions of these particular classes.

The peculiar characteristics of a portion of the working classes render this omission of special importance. The agricultural laborers may have no sentiments on public affairs; but the artisan classes have. Not only are their circumstances peculiar, and their interests sometimes different from those of the high[er*] orders of the community,—both which circumstances are likely to make them adopt special opinions, and are therefore grounds for a special representation,—but the habit of mind which their pursuits and position engender is of itself not unlikely to cause some eccentricity of judgment. Observers tell us that those who live by manual ingenuity are more likely to be remarkable for originality than for modesty. In the present age—and to some extent, we must expect, in every age—such persons must be self-taught; and

*So, preferably, in the *Review*.—Ed.

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self-taught men are commonly characterized by a one-sided energy and something of a self-sufficient disposition. The *sensation* of perfection in a mechanical employment is of itself not without an influence tending towards conceit: and however instructed in definite learning energetic men in these classes may become, they are not subjected to the insensible influences of cultivated life; they do not live in the temperate zone of society, which soon chills the fervid [heat of*] ideas of unseasonable originality. Being cooped up within the narrow circle of ideas that their own energy has provided, they are particularly liable to singular opinions. This is especially the case on politics. They are attracted to that subject in a free country, of necessity: their active intellects are in search of topics for reflection; and this subject abounds in the very atmosphere of our national life, is diffused in newspapers, obtruded at elections, to be heard at every corner of the street. Energetic minds in this class are therefore particularly likely to entertain eccentric opinions on political topics; and it is peculiarly necessary that such opinions should by some adequate machinery be stated and made public. If such singular views be brought into daily collision with ascertained facts and the ordinary belief of cultivated men, their worth can be tested, the weakness of their fallacious part exposed, any new grain of truth they may contain appreciated. On some subjects (possibly, for example, on simple questions of foreign policy) the views of self-taught men may be very valuable, for their moral instincts sometimes have a freshness rarely to be found. At any rate, whatever may be the abstract value of the special sentiments and convictions of the operative classes, their very speciality is a strong indication that our Constitution is defective in providing no distinct outlet for their expression.

A theorist might likewise be inclined to argue that the Reform Act of 1832 was defective in not providing

* *Review* — a more accurate construction. — ED.

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an appropriate organ for the expression of opinion of the higher orders of society. It selects a £10 householder for special favor: in large towns—nay, to a certain extent in any town—the more cultivated and refined classes, who live in better houses than these, are practically disfranchised; the number of their inferiors renders valueless the suffrage conferred on them. We remember some years ago hearing a conversation between a foreigner and a most accomplished Englishman who lived in Russell Square: the foreigner was expatiating on the happiness of English people in being governed by a legislature in which they were represented; the Russell Square scholar replied, "*I* am represented by Mr. Wakley and Tom Duncombe,"—he felt the scorn natural to a cultivated man in a metropolitan constituency at the supposition that such representatives as these really expressed *his* views and sentiments. We know how constantly in America, which is something like a nation of metropolitan constituencies, the taste and temper of the electors excludes the more accomplished and leisured classes from the legislature, and how vulgar a stamp the taste and temper of those elected impresses on the proceedings of its legislature and the conduct of its administration: men of refinement shrink from the House of Representatives as from a parish vestry. In England, though we feel this in some measure, we feel it much less: other parts of our electoral system now afford a refuge to that refined cultivation which is hateful to and hates the grosser opinion of the small shopkeepers in cities. Our higher classes still desire to rule the nation; and so long as this is the case, the inherent tendencies of human nature secure them the advantage. Manner and bearing have an influence on the poor; the nameless charm of refinement tells; personal confidence is almost everywhere more easily accorded to one of the higher classes than to one of the lower classes: from this circumstance, there is an inherent tendency in any electoral system

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which does not vulgarize the government to protect the rich and to represent the rich. Though by the letter of the law a man who lives in a house assessed at £10 has an equal influence on the constitution of the legislature with a man whose house is assessed at £100, yet in truth the richer man has the security that the members of Parliament, and especially the foremost members of Parliament, are much more likely to be taken from this class than from a poorer class.

We may therefore conclude that there is not any ground for altering the electoral system established by the Reform Act of 1832 on account of its not providing for the due representation of the more cultivated classes,—indirectly it does so; but we must narrowly watch any changes in that system which are proposed to us, with the view of seeing whether their operation might not have a tendency to impair the subtle working of this indirect machinery. We must bear in mind that the practical disfranchisement of the best classes is the ascertained result of giving an equal weight to high and low in constituencies like the metropolitan.

These considerations do not affect our previous conclusion as to the lower orders. We ascertained that however perfectly the House of Commons under the present system of election may coincide in judgment with the fairly educated classes of the country, and however competent it may on that account be to perform the ruling function of a popular legislature, it is nevertheless defective in its provision for the performance of the *expressive* functions of such a legislature; because it provides no organ for informing Parliament and the country of the sentiments and opinions of the working—and especially of the artisan—classes.

Another deficiency in the system of representation now existing is of a different nature. It is not only desirable that a popular legislature should be fitted to the discharge of its duties, but also that it should

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be elected by a process which occasions no unnecessary moral evils. A theorist would be inclined to advance a step farther: he would require that a popular assembly should be elected in the mode which would diffuse the instruction given by the habitual possession of the franchise among the greatest number of competent persons, and which would deny it to the greatest number of unfit persons. But every reasonable theorist would hasten to add that the end must never be sacrificed to the means. The mode of election which is selected must be one which will bring together an assembly of members fitted to discharge the functions of Parliament: *among* those modes of election this theoretical principle prescribes the rule of choice; but we must not under its guidance attempt to travel beyond the circle of those modes. A practical statesman will be very cautious how he destroys a machinery which attains its essential object, for the sake of an incidental benefit which might be expected from a different machinery: if we have a good legislature, he will say, let us not endanger its goodness for the sake of a possible diffusion of popular education. All sensible men would require that the advocates of such a measure should show beyond all reasonable doubt that the extension of the suffrage, which they recommend on this secondary ground, should not impair the attainment of the primary end for which *all* suffrage was devised. At the present moment, there certainly are many persons of substantial property and good education who do not possess the franchise, and to whom it would be desirable to give it if they could be distinguished from others who are not so competent; a man of the highest education, who does not reside in a borough, may have large property in the funds, in railway shares, or any similar investment, but he will have no vote unless his house is rated above £50: but as we have said, we must not, from a theoretical desire to include such persons in our list of

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electors, run a risk of admitting also any large number of persons who would be unfit to vote, and thereby impairing the practical utility of Parliament. No such hesitation should, however, hold us back when peculiar moral evils can be proved to arise from a particular mode of election. If that be so, we ought on the instant to make the most anxious search for some other mode of election not liable to the same objection. We ought to run some risk; if another mode of election can be suggested, apparently equal in efficiency, which would not produce the same evils, we should adopt it at once in place of the other. We must act on the spirit of faith that what is morally wrong cannot be politically right.

This objection applies in the strongest manner to one portion of our electoral system; namely, the smaller borough constituencies. We there intrust the franchise to a class of persons few enough to be bought, and not respectable enough to refuse to be bought. The disgraceful exposures of some of these boroughs before election committees make it probable that the same abuses exist in others. Doubtless, too, we do not know the worst; the worst constituencies are slow to petition, because the local agents of both parties are aware of what would come to light, and fear the consequent penalties: enough, however, is in evidence for us to act upon. Some of these small boroughs are dependent on some great nobleman or man of fortune, and this state is perhaps preferable to their preserving a vicious independence; but even this state is liable to very many objections. It is most advantageous that the nominal electors should be the real electors. Legal fictions have a place in courts of law; it is sometimes better or more possible to strain venerable maxims beyond their natural meaning than to limit them by special enactment: but legal fictions are very dangerous in the midst of popular institutions and a genuine moral excitement. We speak day by day of "shams," and the name will

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be forever applied to modes of election which pretend to intrust the exclusive choice to those who are known by everybody never to choose. The Reform Act of 1832 was distinctly founded on the principle that all modes of election should be *real*.

We arrive, therefore, at the result that the system of 1832 is defective because it established, or rather permitted to continue, moral evils which it is our duty to remove if by possibility they can be removed. However, in that removal we must be careful to watch exactly what we are doing. It has been shown that the letter of the Reform Act makes no provision for the special representation of wealth and cultivation; the representation which they have is attained by *indirect* means. The purchasable boroughs are undoubtedly favorable to wealth, the hereditary boroughs to men of hereditary cultivation; and we should be careful not to impair unnecessarily the influence of these elements by any alteration we may resolve upon.

We can now decide on the result which we should try to attain in a new Reform Bill. If we could obtain a House of Commons that should be well elected, that should contain true and adequate exponents of all class interests, that should coincide in opinion with the fair intelligence of the country, we should have all which we ought to desire. We have satisfied ourselves that we do not possess all these advantages now: we have seen that a part of our system of election is grossly defective; that our House of Commons contains no adequate exponents of the views of the working classes; that though its judgment has as yet fairly coincided with public opinion, yet that its constitution gives a dangerous preponderance to the landed interest, and is likely to fail us hereafter unless an additional influence be given to the more growing and energetic classes of society.

We should think it more agreeable (and perhaps it would be so to most of our readers) if we were

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able at once to proceed to discuss the practical plan by which these objects might be effected: but in deference to a party which has some zealous adherents, and to principles which in an indistinct shape are widely diffused, we must devote a few remarks to the consideration of the ultra-democratic theory; and as we have to do so, it will be convenient to discuss in connection with it one or two of the schemes which the opponents of that theory have proposed for testing political intelligence.

As is well known, the democratic theory requires that parliamentary representation should be proportioned to mere numbers. This is not, indeed, the proposition which is at this moment put forward. The most important section of democratic reformers now advocate a rate-paying or household franchise; but this is either avowedly as a step to something farther, or because from considerations of convenience it is considered better to give the franchise only to those whose residences can be identified. But it is easy to show that the rate-paying franchise is almost equally liable with the manhood suffrage to a most important objection; that objection of course is, that the adoption of the scheme would give entire superiority to the lower part of the community. Nothing is easier than to show that a rate-paying franchise would have that effect. In England and Wales—

The number of houses assessed at £10 and above is computed to be	990,000
The number of houses assessed at £6 and under £10,	572,000
" " " under £6, . . .	1,713,000
	3,275,000

More than half the persons who would be admitted by the rate-paying franchise are therefore of a very low order, living in houses under £6 rent, and two-thirds are below £10, the lowest qualification admitted by the present law. It therefore seems quite certain that the effect of the proposed innovation must be

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very favorable to ignorance and poverty, and very unfavorable to cultivation and intelligence.

There used to be much argument in favor of the democratic theory on the ground of its supposed conformity with the abstract rights of man; this has passed away, but we cannot say that the reasons by which it has been replaced are more distinct, — we think that they are less distinct. We can understand that an enthusiast should maintain on fancied grounds of immutable morality, or from an imaginary conformity with a supernatural decree, that the ignorant should govern the instructed; but we do not comprehend how any one can maintain the proposition on grounds of expediency. We might believe it was right to submit to the results of such a polity; but those results, it would seem, must be beyond controversy pernicious. The arguments from expediency which are supposed to establish the proposition are never set forth very clearly, and we do not think them worth confuting; we are indeed disposed to believe, in spite of much direct assertion to the contrary, that the democratic theory still rests not so much on reason as on a kind of sentiment, — on an obscure conception of abstract rights. The animation of its advocates is an indication of it: they think they are contending for the "rights" of the people, and they endeavor to induce the people to believe so too. We hold this opinion the more strongly, because we believe that there *is* such a thing, after all, as abstract right in political organizations. We find it impossible to believe that all the struggles of men for liberty, all the enthusiasm it has called forth, all the passionate emotions it has caused in the very highest minds, all the glow of thought and rustle of obscure feeling which the very name excites in the whole mass of men, have their origin in calculations of advantage and a belief that such and such arrangements would be beneficial. The masses of men are very difficult to excite on bare grounds of self-interest; most easy,

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if a bold orator tells them confidently they are *wronged.* The foundation of government upon simple utility is but the fiction of philosophers; it has never been acceptable to the natural feelings of mankind: there is far greater truth in the formula of the French writers that "le droit dérive de la capacité."* Some sort of feeling akin to this lurks, we believe, in the minds of our reformers: they think they can show that some classes now unenfranchised are as capable of properly exercising the franchise as some who have possessed it formerly or some who have it now. The £5 householder of to-day is, they tell us, in education and standing but what the £10 householder was in 1832. The opponents of the theory are pressed with the argument that every fit person should have the franchise, and that many who are excluded are as fit as some who exercise it and from whom no one proposes to take it away.

The answer to the argument is plain. Fitness to govern — for that is the real meaning of exercising the franchise which elects a *ruling* assembly — is not an absolute quality of any individual; that fitness is relative and comparative, — it must depend on the community to be governed and on the merits of other persons who may be capable of governing that community. A savage chief may be capable of governing a savage tribe; he may have the right of governing it, for he may be the sole person capable of so doing: but he would have no right to govern England. We must look likewise to the competitors for the sovereignty. Whatever may be your capacity for rule, you have no right to obtain the opportunity of exercising it by dethroning a person who is *more* capable: you are wronging the community if you do, for you are depriving it of a better government than that which you can give to it; you are wronging also the ruler you supersede, for you are depriving him of the appropriate exercise of his faculties: two wrongs are

* "Right arises from capacity."

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thus committed from a fancied idea that abstract capacity gives a right to rule, irrespective of comparative relations. The true principle is, that every person has a right to *so much political power as he can exercise without impeding any other person who would more fitly exercise such power.* If we apply this to the lower orders of society, we see the reason why, notwithstanding their numbers, they must always be subject,—always at least be comparatively uninfluential: whatever their capacity may be, it must be less than that of the higher classes, whose occupations are more instructive and whose education is more prolonged. Any such measure for enfranchising the lower orders as would overpower and consequently disfranchise the higher should be resisted on the ground of "abstract right": you are proposing to take power from those who have the superior capacity, and to vest it in those who have but an inferior capacity, or in many cases no capacity at all. If we probe the subject to the bottom, we shall find that justice is on the side of a graduated rule, in which all persons should have an influence proportioned to their political capacity: and it is at this graduation that the true maxims of representative government really aim; they wish that the fairly intelligent persons, who create public opinion (as we call it) in society, should rule in the state, which is the authorized means of carrying that opinion into action. This is the body which has the greater right to rule; this is the *felt intelligence* of the nation, "la légitime aristocratie, celle qu'acceptent librement les masses, sur qui elle doit exercer son pouvoir." *

It is impossible to deny that this authority, in matters of political opinion, belongs by right, and is felt to belong in fact, to the higher orders of society rather than to the lower. The advantages of leisure, of education, of more instructive pursuits, of more

* "The legitimate aristocracy, that which is voluntarily accepted by the masses, whom it ought to rule." (Guizot, "Essai sur les Origines du Gouvernement réprésentatif.")

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instructive society, must and do produce an effect. A writer of very democratic leanings has observed that

"There is an unconquerable and to a certain extent . . . a beneficial proneness in man to rely on the judgment and authority of those who are elevated above himself in rank and riches. From the irresistible associations of the human mind, a feeling of respect and deference is entertained for a superior in station which enhances and exalts all his good qualities, gives more grace to his movements, more force to his expressions, more beauty to his thoughts, more wisdom to his opinions, more weight to his judgment, more excellence to his virtues. . . . Hence the elevated men of society will always maintain an ascendency which, without any direct exertion of influence, will affect the result of popular elections; and when to this are added the capabilities which they possess, or ought to possess, from their superior intelligence, of impressing their own opinions on other classes, it will be seen that if any sort of control were justifiable, it would be superfluous for any good purpose."*

There are individual exceptions, but in questions of this magnitude we must speak broadly: and we may say that political intelligence will in general exist rather in the educated classes than in the less educated, rather in the rich than the poor; and not only that it will exist, but that it will in the absence of misleading feelings be *felt* by both parties to exist.

We have quoted the above passage for more reasons than one. It not only gives an appropriate description of the popular association of superiority in judgment with superiority in station, but it draws from the fact of that association an inference which would be very important if it were correct. It says in substance that as the higher orders are felt by the lower to be more capable of governing, they will be chosen by the lower if the latter are left free to choose; that therefore no matter how democratic the government—in fact, the more democratic the government the surer are the upper orders to lead. But experience shows that this is an error. If the acquisition of power is left to the unconscious working of

* Bayley on Representative Government; quoted in Sir G. C. Lewis's "Essay on the Influence of Authority in Matters of Opinion," p. 228.—B. [Meant for Samuel Bailey's "Rationale of Political Representation."—ED.]

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the natural influences of society, the rich and the cultivated will certainly acquire it; they obtain it insensibly, gradually, and without the poorer orders knowing that they are obtaining it: but the result is different when, by the operation of a purely democratic constitution, the selection of rulers is submitted to the direct vote of the populace. The lower orders are then told that they are perfectly able to judge; demagogues assert it to them without ceasing; the constitution itself is appealed to as an incontrovertible witness to the fact, — as it has placed the supreme power in the hands of the lower and more numerous classes, it would be contravening it to suppose that the real superiority was in the higher and fewer. Moreover, when men are expressly asked to acknowledge their superiors, they are by no means always inclined to do so: they do not object to yield a mute observance, but they refuse a definite act of homage; they will obey, but they will not *say* that they will obey. In consequence, history teaches that under a democratic government, those who speak the feelings of the majority themselves have a greater chance of being chosen to rule than any of the higher orders, who under another* form of government would be admitted to be the better judges. The natural effect of such a government is to mislead the poor.

We have no room to notice the specific evils which would accrue from the adoption of an unmixedly democratic constitution. One, however, which has not been quite appreciated, follows naturally from the remarks we have made: there is a risk of vulgarizing the whole tone, method, and conduct of public business. We see how completely this has been done in America, — a country far more fitted, at least in the Northern States, for the democratic experiment than any old country can be. Nor must we imagine that this vulgarity of tone is a mere external expression, not affecting the substance of what is thought or

* *Review*, "any other." — Ed.

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interfering with the policy of the nation: no defect really eats away so soon the political ability of a nation. A vulgar tone of discussion disgusts cultivated minds with the subject of politics: they will not apply themselves to master a topic which, besides its natural difficulties, is incumbered with disgusting phrases, low arguments, and the undisguised language of coarse selfishness. We all know how we should like to interfere in ward elections, borough politics, or any public matter over which a constant habit of half-educated discussion has diffused an atmosphere of deterring associations. A high morality, too, shrinks with the inevitable shyness of superiority from intruding itself into the presence of low debates. The inevitable consequence of vulgarizing our Parliament would be the deterioration of public opinion, not only in its more refined elements but in all the tangible benefits we derive from the application to politics of thoroughly cultivated minds.

We can only allude briefly to the refutation of the purely democratic theory with which the facts of English history supply us. It is frequently something like pedantry when reference is made to the origin of the House of Commons as a source of data for deciding on the proper constitution for it now; what might have been a proper constitution for it when it was an inconsiderable part of the government may be a most improper one now that it is the ruling part: still, one brief remark may be advanced as to the early history of our representative system which will have an important reference to the topic.

"Whilst," writes one of our soundest constitutional antiquaries, "boroughs were thus reluctant to return members, and burgesses disinclined to serve in that capacity, the sheriffs assumed and exercised a right of sending or omitting precepts at their pleasure. Where boroughs were unwilling or unable to send representatives, the sheriff, from favor or indulgence, withheld the precept which in strictness he was bound to issue, and thus acquired a discretionary power of settling what places were to elect and what places were not to elect members of Parliament. In his return to the writ of

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summons, he sometimes reported that he had sent his precept to a borough, but had received no answer to it. Sometimes he asserted, without the slightest regard to truth, that there were no more cities or boroughs in his bailiwick than those mentioned in his return; at other times he qualified this assertion by adding that there were none fit to send members, or that could be induced to send them. No notice seems to have been taken, no animadversion ever made on these returns from the sheriffs; nor is there the slightest ground for suspecting that in the exercise of this discretionary power he was directed by any secret instructions from the king and council: 'Nor have I ever seen or heard of,' says Brady,* 'any particular directions from the king and council, or others, to the sheriffs, for the sending their precepts to this or that burgh only, and not to others.' *Provided there was a sufficient attendance of members for the public business, the government seems to have been indifferent to the number that came, or to the number of places from which they were sent.*"†

The public business of that time was different from the public business which is now transacted by Parliament, but we may paraphrase the sentence into one that is applicable to us: provided we have a House of Commons coinciding in opinion with the general mass of the public, and containing representatives competent to express the peculiar sentiments of all peculiar classes, we have provided for our "public business"; we need not trouble ourselves much further, — we shall have attained all reasonable objects of desire, and established a polity with which we may be content.

The most obvious way of attempting this is, to represent or attempt to represent intelligence directly; the simplest plan of embodying public opinion in a legislature is to give a special representation in that legislature to the politically intelligent persons who create that opinion. To attain this end directly is, however, impossible: there is no test of intelligence which a revising barrister could examine, on which attorneys could argue before him. The absurdity of the idea is only rendered more evident by the few

* "Historical Treatise of Cities and Burghs."

† Allen's "Short History of the House of Commons" (called "Parliamentary Reform" in Political Tracts).

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proposals which are made in the hope of realizing it. Mr. Holyoake proposes that the franchise should be given to those who could pass a political examination; an examination, that is, in some standard text-book, — Mill's "Principles of Political Economy," or some work of equal reputation: but it does not need to be explained that this would enfranchise extremely few people in a country. Only a few persons give or can give a scientific attention to politics; and very many who cannot, are in every respect competent to give their votes as electors, and even to serve as representatives. It is probable that the adoption of such an examination suffrage, in addition to the kinds of suffrage which exist now, would not add one per cent. to the present constituencies; and that if it were made a necessary qualification for the possession of a vote, we should thereby disfranchise ninety-nine hundredths of the country. A second proposal with the same object is, to give votes to all members of "learned societies"; but this would be contemptibly futile, — there is no security whatever that members of learned societies should be really learned. They are close corporations, and the only check on the admission of improper persons in future is the discretion of those who have been admitted already. At present most members of such societies undoubtedly have an interest in the objects for which they were formed; but create a political motive, and a skillful parliamentary agent will soon fill the lists with the names of persons not celebrated for scientific learning, but who know how to vote correctly upon occasion. The idea of a direct representation of intelligence wholly fails, from the non-existence of a visible criterion of that intelligence. All that can be done in this direction must be effected by a gradual extension of the principle which has given members to our universities. No one can obtain admission to these bodies without a prolonged course of study, or without passing a strict examination in several subjects. This is a

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kind of franchise not to be manufactured; it is only obtained as a collateral advantage, by persons who are in pursuit of quite different objects. Such bodies, however, are obviously few, and such kinds of franchise are necessarily limited; but they should be extended as far as possible, and as many such bodies as can be found will tend to supply us with an additional mode of giving a representation to cultivation and refinement,—an object which we noticed as one of the desirable ends apparently least provided for by the letter of our present system.*

The criteria by which a franchise can be determined must have two characteristics. They must be evident and conspicuous,—tests about which there can be no question: our registration courts cannot decide metaphysical niceties; our machinery must be tough if it is to stand the wear and tear of eager contests. Secondly, as we have explained, such criteria must be difficult to manufacture for a political object. Our tests must not be counterfeited, and they must be conspicuous; these two requirements nearly confine us to a property qualification. Property is indeed a very imperfect test of intelligence; but it is some test. If it has been inherited it guarantees education; if acquired it guarantees ability: either way it assures us of something. In all countries where anything has prevailed short of manhood suffrage, the principal limitation has been founded on criteria

*In relation to this subject, we must call special attention to the claims of the University of London and of the Scotch universities to representation in Parliament. The former university had a distinct pledge from the Government which founded it that it should be placed on an equality in every respect with Oxford and Cambridge; and such universities would not only introduce additional representatives of intellectual culture into the House of Commons, but representatives also of *free* intellectual culture, as distinguished from the representatives of the ecclesiastical culture of the older universities. Mr. Bright has reproached the members for Oxford and Cambridge universities with their habitual antagonism to reform; this is, we fear, a true accusation. At a time when educational questions are engrossing a larger and larger share of public attention, an adequate representation of *Liberal* intellectual culture is most desirable in the House of Commons—B.

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derived from property. And it is very important to observe that there is a special appropriateness in the selection: property has not only a certain connection with general intelligence, but it has a peculiar connection with *political* intelligence. It is a great guide to a good judgment to have much to lose by a bad judgment; generally speaking, the welfare of a country will be most dear to those who are well off there. Some considerations, it is true, may limit this principle: great wealth has an emasculating tendency; the knowledge that they have much at stake may make men timid in action, and too anxious for the successful discharge of high duties: still, the broad conclusion is unaffected that the possession of property is not only an indication of general mind, but has a peculiar tendency to generate *political mind.*

Similar considerations limit the kinds of property to be selected. Our property qualification must be conspicuous and uncreatable. Real property — houses and land, on which our present qualification is based, possess these elements in a pre-eminent degree; we think, however, that they are not the only kinds of property which now in a sufficient degree possess these requirements. They probably were so formerly; but one of the most important alterations in our social condition is the change in the nature of much of our wealth. The growth of what lawyers call personal property has of late years been enormous; railway shares, canal shares, public funds, bank shares, debentures without number, are only instances of what we mean. Great industrial undertakings are a feature in our age, and it is fitting that a share in them should give a franchise as much as an estate in land. Two conditions only would be necessary to be observed. First, the property must be substantial, as it is called; that is to say, it should be remunerative. Property which does not yield an income is not sufficiently tangible for the purposes of a qualification: men of business may say it is *about* to yield a

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dividend, but this is always open to infinite argument. It would be necessary to provide that the business property to be represented should have been for a moderate period — say three years — properly remunerative; no one should register for such property unless it had for that period paid a regular interest. Secondly, such property should have been in the possession of the person wishing to register on account of it for at least an equal previous period; this is necessary to prevent the creation of fictitious votes. Real property is indeed exposed to this danger: but the occupancy of houses and lands is a very visible fact, and acts of ownership over the soil are tolerably well known on the spot; it is therefore somewhat difficult to create fictitious tenancies or freeholds. In the case of share property there is no equal check; the only precaution which can be taken is, to make the pecuniary risk of those who try to create such votes as large as possible. If it be required that the property be registered for a moderate period in the company's books as belonging to the person who claims to vote in respect of it, that person must have during that time the sole right to receive the dividends, and the shares will be liable for all his debts; if a real owner chooses to put a nominal one in this position, he does it at the risk of both principal and income.

We have, then, arrived at the end of another division of our subject. We have shown that the democratic theory is erroneous, and that the consequences of acting upon it would be pernicious. We have discussed the most plausible schemes which have been suggested for testing political intelligence, and we have found reason to think that a property qualification is the best of those modes. It has incidentally appeared that the property qualification which at present exists in England is defective, because it only takes cognizance of a single kind of property. We may now resume the thread of our discussion, which we laid aside to show the errors of the democratic theory. We

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proceed to indicate how the defects which have been proved to be parts of our existing system of representation can be remedied without impairing its characteristic excellence, without destroying a legislature which is in tolerable conformity with intelligent opinion.

The first defect which we noticed was, that the existing system takes no account of the views and feelings of the working classes, and affords no means for their expression: how then can this be supplied? It is evident that this end can only be approached in two ways: we may give to the working classes a *little* influence in all constituencies, or we may give them a good deal of influence in a few constituencies. By the conditions of the problem they are to have some power in the country, but not all the power; and these are the only two modes in which that end can be effected.

The objection to the first plan is in the nature of a dilemma. Either your arrangements give to the working classes a sufficient power to enable them to decide the choice of the member, or they do not. If they do, they make these classes absolute in the state; if the degree of influence which you grant to them in *every* constituency is sufficient to enable them to choose the representative for that constituency, you have conferred on these inferior classes the unlimited control of the nation. On the other hand, if the degree of influence you give to the poorer classes is not sufficient to enable them to control the choice of any members, you have done nothing: there will be no persons in Parliament inclined by nature and empowered by authority to express their sentiments; their voice will be as much unheard in Parliament as it is now. If the poor are to have a diffused influence in all constituencies, it must be either a great one or a small one; a small one will amount only to the right of voting for a candidate who is *not* elected; a great one will in reality be the establishment of democracy.

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We shall see the truth of this remark more distinctly if we look a little in detail at one or two of the plans which are proposed with this object. Perhaps the most remarkable of these is that which is at present in operation in Prussia. The suffrage there is very diffused; it amounts to something very like manhood suffrage. But the influence of the lower classes is limited in this way:—The constituency is divided into classes according to the amount of direct taxation they respectively pay. The names of those voters who pay the highest amount of tax are put together till a third part of the whole amount of direct taxes paid by the electoral district has been reached,—these form the first class; again, as many names are taken as will make up another third of the same total taxation, and these form the second class; the third class is formed of all the rest: and each class has an equal vote. By this expedient, a few very rich persons in class 1 and a moderate number of moderately rich persons in class 2 have each of them as much influence as the entire number of the poorer orders in class 3. In Prussia a system of double representation has also been adopted, and for that purpose the constituency is divided into sections. But we need not confuse ourselves with prolix detail; the principle is all which is to the purpose. The effect of the plan is evident: it is equivalent to giving to the working classes *one-third* of the influence in every constituency, and no more than one-third. But it is evident that this arrangement not only gives no security for the return of a satisfactory spokesman for the lower orders, but that it provides that no such spokesman shall be returned: the two superior classes are two-thirds of the constituency, and they will take effectual care that no member animated solely with the views of the other third shall ever be elected; so far as class feeling goes, the power given to the lower orders is only the power of voting in a perpetual minority. Undoubtedly, in case of a division between

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the two superior classes, the lower orders would hold the balance; they would have the power in all constituencies of deciding who should and who should not be the member: but this is not the kind of influence which we have shown it to be desirable that the lower orders should possess. Nothing can be more remote from their proper sphere than the position of arbitrator between the conflicting views of two classes above them. We wish that they should have a few members to express their feelings; we do not wish that they should decide on the critical controversies of their educated fellow-subjects,—that they should determine by a casting and final vote the policy of the nation.

Another plan suggested is, that the lower orders should have a single vote, and that persons possessed of property should have a second vote. But statistics show that the power which this would give to the lower orders would be enormous. For example, if it should be enacted that all persons living in houses rated at less than £10 shall have one vote, and those living in houses rated at more than £10, two votes, we should have—

990,000 living in houses of £10 and more than £10, } with 1,980,000 votes,
2,280,000 living in houses under £10, . . with 2,280,000 votes:

giving a clear majority throughout the country to the lowest class of rate-payers; and that majority would of course be much augmented if we conferred (as the advocates of manhood suffrage propose) a vote on every adult male in the country, whether he paid rates or not. The inevitable effect of this plan would be to give an authoritative control to the poorer classes. We might indeed try to obviate this by giving a still greater number of votes, say three or four, to the richer class; but then we should reduce the poorer class to an impotent minority throughout the country. In the first case they would have the power

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of returning nearly all the members of the legislature; in the second they would not as a class, or with an irresistible influence, return any.

Another scheme, proposed with this object, at least in part, is the "representation of minorities," as it is commonly called; this is to be attained by the ingenious device of making the number of votes to be possessed by each constituent less than the number of members to be returned by the constituency.* The consequence is inevitable: an ascertainable minority of the constituency, by voting for a single candidate only, can effectually secure his election. Thus, if the number of members is three and the number of votes two, any fraction of the constituency greater than two-fifths can be sure of returning a member, if they are in earnest enough on the matter to vote for him only. The proof of this is, that a minority of two-fifths will have exactly as many votes to give to one member as the remaining three-fifths have to give to each of three members. If the constituency be 5,000, a minority of two-fifths of the electors, or 2,000, would have 2,000 votes to give to a single candidate; the remaining 3,000 would have only 6,000 votes to divide between three candidates, which is only 2,000 for each. A minority at all greater than 2,000, therefore, would if it managed properly be certain to return a member. The objection to this plan is, that it would rather tend to give us a Parliament principally elected by the lower orders, with special members among them to express the sentiments of the wealthier classes, than a Parliament generally agreeing with the wealthier classes and containing special representatives for the lower: the principal representation is almost by express legislation given to the more numerous classes, a less to the minority. It would not solve the problem of giving a certain power to the lower orders, and yet not giving them a predominant

*This was the scheme actually adopted in the Reform Bill of 1867, in the case of all constituencies returning more than two members. — *Ed. Reprint.*

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power. In the case which we have supposed of a constituency with three members and two votes, the minority also would be a larger one than the richer classes can permanently hope to constitute in the country: two-fifths of a great town must necessarily include many of the poorer, less cultivated, and less competent. We must remember also that the disproportion in number between rich and poor, even between the decidedly poor and the rather wealthy, tends to augment: society increases most rapidly at its lower end; the wide base extends faster than the narrower summit. At present persons living in "£10 houses" or upwards are something like twenty-one per cent. of the adult males in the nation, and about thirty per cent. of the rate-paying population; but in process of time the inevitable increase of the humbler orders will reduce them to a far more scanty proportion. The operation of the plan might become even more defective if it were combined, as is often proposed, with an increase of the number of members returned by the constituencies to which it is to be applied: if four members were given to a populous constituency, and each elector were to have three votes, it would require that the minority* should be more than three-sevenths† of the constituency to enable it to be certain of returning a candidate. The rich and educated cannot expect to remain so large a fraction of the nation as this; they are not so now.

The most plausible way of embodying the minority principle in action would be to give only one vote to each person, and only *two* members to the constituency. In this case, any minority greater than one-third of the constituency would be sure of returning a member;

* *Review*, preferably, "*a* minority." — Ed.

† The rule is, that a minority, to be certain of electing its candidate, must be more than that fraction of the constituency which may be expressed as follows: —

$$\frac{\text{The number of votes}}{\text{The number of members} + \text{the number of votes.}}$$

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and as this fraction is smaller than those we have mentioned, it would evidently be more suitable to the inevitable fewness of the rich and intelligent. But even this plan would give half the members of the country to the least capable class of voters; and it would have the additional disadvantage of establishing a poor-class member and [a] rich-class member side by side in the same constituency, which would evidently be likely to excite keen jealousy and perpetual local bitterness.

We believe indeed that it was an after-thought in the advocates of "minority representation" to propose it as a means of giving some, but not too much, representation to the poor. Its name shows that it was originally devised as a means of giving a representation to minorities *as such:* the extreme case used to be suggested of a party which had a very large minority in every constituency, but which had not a majority in any, and had not therefore any share in the representation. It cannot be denied that such a case might occur; but if the constituencies be, as they should be, of varied kinds, it is very unlikely, and in politics any contingency that is very unlikely ought never to be thought of,—the problems of practical government are quite sufficiently complicated if those who have the responsibility of solving them deal only with difficulties which are imminent and dangers which are probable. But in the actual working of affairs, and irrespectively of any case so extreme as that which is put forward, the elimination of minorities which takes place at general elections is a process highly beneficial. It is decidedly advantageous that every active or intelligent minority should have adequate spokesmen in the legislature; but it is often not desirable that it should be represented there in exact proportion to its national importance. A very considerable number of by no means unimportant persons rather disapproved of the war with Russia: but their views were very inadequately represented in

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the votes of Parliament, though a few able men adequately expressed their characteristic sentiments; and this was as it should be. The judgment of the Parliament ought always to be coincident with the opinion of the nation: [but there is no objection to its being more decided;*] it is extremely important that it should not be less decided. Very frequently it is of less importance which of two courses be selected than that the one which is selected should be consistently adhered to and energetically carried through. If every minority had exactly as much weight in Parliament as it has in the nation, there might be a risk of indecision. Members of Parliament are apt enough to deviate from the plain decisive path, from vanity, from a wish to be original, from a nervous conscientiousness; they are subject to special temptations, which make their decisions less simple and consistent than the nation's: we need a counteracting influence, and it will be no subject for regret if that influence be tolerably strong. It is therefore no disadvantage, but the contrary, that a diffused minority in the country is in general rather inadequately represented, — a strong conviction in the ruling power will give it strength of volition. The House of Commons should think as the nation thinks; but it should think so rather more strongly, and with somewhat less of wavering.

It was necessary to discuss this aspect of the minority principle, though it may seem a deviation from the investigation into the best mode of giving a due but not an undue influence to the working classes. The advocates of that principle generally consider its giving a proper and not more than a proper degree of power to the poor as a subordinate and incidental advantage in a scheme which for other reasons ought to be adopted; it was therefore desirable to prove that no such other reasons exist, as well as that it would very imperfectly, if at all, tend to place the working classes in the position we desire.

* *Review*, and its omission not desirable. — ED.

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Some persons have imagined that the enfranchisement of all the lower orders may be obtained without its attendant consequence, the disfranchisement of other classes, by means of the system of "double representation," which gives to the primary electors only the power of nominating certain choosers or secondary electors, who are to select the ultimate representative. This proposal was made by Hume many years ago; it formed part of more than one of the earlier French constitutions; and it is now being tried, as we have observed, in Prussia. We have an example of its effects likewise in a part of the Constitution of the United States. Although, therefore, we may not have quite so full a trial of the proposed machinery as we could wish, we have some experience of it. The most obvious objection to it is, that it gives to the working classes the theoretical supremacy as much as a scheme of single representation. Whether the working classes choose the member of Parliament, or whether they choose an intermediate body who are to choose the member, their power of selection will be equally uncontrolled, the overwhelming advantage derived from their numbers will be the same. It is alleged that the working classes will be more fit to choose persons who would exercise an intermediate suffrage; that they could choose persons in their own neighborhood well known to them and for whom they had a respect, and that the ultimate representative nominated by these local worthies would be a better person than the working classes would have nominated themselves at first. And in quiet times, and before a good machinery of electioneering influence had been organized, we are inclined to believe that such would be the effect; the working classes might, in the absence of excitement and artificial stimulus, choose persons whom they knew to be better judges than themselves, and in accordance with the theory of the scheme would give to them a *bona fide* power of independent judgment: but in times of excitement this would not be the case.

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The primary electors can, if they will, require from the secondary a promise that they will choose such and such members; they can exact a distinct pledge on the subject, and give their votes only to those who will take that pledge. This is actually the case in the election of the President in the United States: as a check on the anticipated inconveniences of universal suffrage, the framers of the federal Constitution provided that the President should be chosen by an electoral college elected by universal suffrage, and not by the nation at large directly. In practice, however, the electoral college is a sham: its members are only chosen because they will vote that Mr. Buchanan be President, or that Colonel Fremont be President; no one cares to know anything else about them. There is no debate in the college, no exercise of discretionary judgment: they travel to Washington and give their vote in a sealed envelope, and they have no other duty to perform; according to these votes the President is elected. Such, indeed, appears the natural result wherever the lower orders take a strong interest in the selection of the ultimate members for the constituency: they have the power of absolutely determining the choice of those members, and when they care to exercise it they will exercise it. In Prussia, as it would appear from the newspaper narrative of the recent elections, a real choice has been exercised by the *wahlmänner*, the secondary electors; but a few years of experience among a phlegmatic people are not a sufficient trial,—there are as yet no parliamentary agents at Berlin. In this country, as in America, an effectual stimulus would soon be applied to the primary electors. If twenty intermediate stages were introduced, the result would be identical: a pledge would be exacted at every stage; the primary body would alone exercise a real choice, and the member would be the direct though disguised nominee of the lower orders. This scheme would everywhere in critical times, and in *electioneering* countries

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at all times, give to the democracy an uncontrolled power.

An expedient has, it is true, been proposed for preventing this: it has been suggested that the secondary electors—the electoral college, in the American phrase—should have other duties to perform besides that of electing the representative. Suppose, for example, that the electors at large chose a municipal town council, and that the latter elected the representative of the town in the legislature: it is thought that persons with good judgment would be chosen to insure the due performance of the municipal duties, and that a good member of Parliament would be selected by the *bona fide* choice of those persons with good judgment. The scheme would be far too alien to English habits and traditions to be seriously proposed for adoption by this country even if its abstract theory were sound, but there is an obvious objection of principle to it: the local duties of a municipal council are too different from that of selecting a parliamentary representative to be properly combined with them. We should probably have a town council of political partisans, as was the case before the Municipal Reform Act, and the uninteresting local duties would be sacrificed to the more interesting questions of the empire. In the real operation of the scheme, very much would depend on the *time* at which the town council was elected. If it were elected simultaneously with the general election of members of Parliament, nobody would think of anything but the latter: the town councilors would be chosen to vote for the borough member, and with no regard to any other consideration; we should have a fictitious electoral college, with the added inconvenience that it would be expected to perform duties for which it was not selected and to which it would be entirely ill suited. On the other hand, if the town council were elected when the parliamentary election was not thought of, we might, in times of fluctuating opinion, have a marked opposition

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between the opinion of the town council and the opinion of the constituency: in an excitable country — and every country which takes a regular interest in politics becomes excitable — no such opposition would be endured; it would be monstrous that the member for London at a critical epoch, say when a question of war or peace was pressing for decision, should be nominated by a town council elected some time before, when no such question was even thought of. There used in the ante-Reform-Bill times to be occasional riots when the close corporations, with whom the exclusive suffrage in many boroughs then rested, made a choice not approved of by the population of the town: if this was the case when the borough councilors were only exercising an immemorial right, it will be much more likely to be so when they are but recently nominated agents, deriving their whole authority from the dissentients, and making an unpopular choice in the express name of an angry multitude. We may therefore dismiss the proposed expedient of double representation with the remark that if the intermediate body be elected with little reference to its electoral functions, it will be little fitted for such functions; and if it is elected mainly with reference to them, it will have no independent power of choice, but be bound over to elect the exact person whom its constituents have decided to favor.

A much more plausible proposal is suggested by the recommendation which we made some pages back, — that the principle which assigns the franchise to those who can show a property qualification should not be confined to real estate, but be extended to every kind of property that yielded an income and was owned *bona fide*. A considerable number of the working classes possess savings: not large, it is true, when contrasted with middle-class opulence, but still most important to and most valued by those who have hoarded them during a lifetime; the total accumulation is likewise very large when set down in the

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aggregate. It has been suggested that a suffrage conferred on the owners of moneyed property would of itself enfranchise the most thrifty and careful of the working classes; and that as these would probably be the best judging of their class, it would be needless to inquire as to the mode in which any others could obtain the franchise. There may be a question whether we do wish simply to find representatives for the best of the working classes: we are not now seeking legislators who will exercise a correct judgment, but rather spokesmen who will express popular sentiments. We need not, however, dwell on this, as there is a more conclusive objection to the plan proposed: unfortunately, the savings of the working classes are not invested in a form which would be suitable for political purposes. The most pressing need of the poor is a provision for failing health and for old age; they most properly endeavor to satisfy this by subscribing to "benefit societies" or other similar clubs, which, in consideration of a certain periodical payment, guarantee support during sickness or a sum of money in case of decease. Now, this life-and-health insurance wants all the criteria of a good property qualification, — there is no test of its *bona fides*. Simulated qualifications might be manufactured by any skillful attorney; the periodical payment might be easily repaid on pretence of sickness, and it would be perfectly impossible for any revising barrister to detect the fraud; there would be no security that the periodical premium even belonged to the poor man, — it might be lent him, and with little risk, by his richer neighbor. Electioneering has conquered many difficulties. It would be easy to have an understanding that the secretary to the society, the clerk of the electioneering attorney, should see that the premium was soon repaid, in name to the poor subscriber and in fact to the vote-making capitalist. The finances of some of these societies have never been in the best order, and there would be very great difficulty in

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tracking even a gross electioneering fraud. Perhaps no practical man will question but that the manipulation of a borough attorney would soon change the character of a "benefit society": it would cease to be as now the repository of the real savings of the best workingmen; it would become a cheap and sure machinery for creating votes in the name of the most corruptible. So large a portion of the savings of thrifty operatives are most properly laid by in these insurance associations, that it is scarcely likely that a moneyed-property qualification would give a vote to a considerable proportion even of the very best of them. A few would be admitted by giving the franchise to those who left a certain sum in a savings bank for a certain time; but to prevent fraud that time must be considerable, and careful returns, prepared for Lord John Russell's Reform Bill, are said to show that the number enfranchised would be even fewer than might have been expected. At any rate, it would not be safe to rely on such a franchise for creating a parliamentary organ for the lower classes: those enfranchised by it would be scattered through a hundred constituencies; there would be no certainty that even one member in the House would speak their sentiments. Moreover, we have doubts whether a constituency composed only of operatives who had a considerable sum in the savings bank after providing, as in all likelihood they would have done, for the wants of their families in case of their death or sickness, would not rather have the feelings of petty capitalists than of skilled laborers: those who have just risen above a class can scarcely be relied on for giving expression to its characteristic opinions. However, as it would be scarcely possible to create such a constituency, there is no reason for prolonging an anticipatory discussion on its tendencies. On the whole, therefore, we must, though rather against our wishes, discard the idea of creating a working-class franchise by an extension of the suffrage qualification to all kinds of

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property. A careful examination appears to show that we could not obtain in that way a characteristic expression for the wants of the masses.

These are the principal schemes which have been proposed for adding to the legislature some proper spokesmen of the wants of the lower classes, by giving to those classes *some* influence in every constituency. Our survey of them has confirmed the anticipation with which we set out. The dilemma remains, — either the influence is great enough to determine the choice of the member, or it is not: if it is not, no spokesmen for the working classes will be elected; if it is, no one not thoroughly imbued with the views and sentiments of the lower orders would be chosen, — we should have a democracy.

As this, the first of the only two possible expedients, has failed us, we turn with anxiety to the second. Since it does not seem possible to procure spokesmen for the working classes by a uniform franchise in all constituencies, is it possible to do so by a varying franchise, which shall give votes according to one criterion in one town and to another criterion in another town? It evidently *is* possible; whether there are any countervailing objections is a question for discussion, but of the possibility there cannot be a doubt. If all the adult males in Stafford have votes, then the member for Stafford will be elected by universal suffrage; he will be the organ of the lower orders of that place. Supposing that place to be subject in this respect to no important local anomaly, the lower orders there will be like the corresponding classes elsewhere: by taking a fair number of such towns, we may secure ourselves from the mischievous results of local irregularities; we can secure a fair number of spokesmen for the lower orders.

The scheme is not only possible, but has been tried, and in this country. Before the Reform Bill of 1832 there was a great disparity in the suffrage qualification of different constituencies. "A variety of rights

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of suffrage," said Sir James Mackintosh in 1818,* "is the principle of the English representation;" and he went on to enumerate the various modes in which it might be obtained, — by freehold property, by burgage tenure, by payment of scot and lot, etc. The peculiar circumstances of 1832 made it necessary, or seemingly necessary, to abolish these contrasted qualifications: great abuses prevailed in them, and it would have been difficult to adjust remedies for the removal of those abuses. The great requirement of the moment was a simple bill: during a semi-revolution there was no time for nice reasonings. Something universally intelligible was to be found; the enthusiasm of the country must be concentrated on "the whole bill and nothing but the bill." We must not judge the tumult of that time by the quietude of our own.

At a calmer moment the more philosophic of Liberal statesmen were, however, aware of the advantages of the machinery which they were afterwards compelled to destroy. The essay of Sir James Mackintosh to which we have referred, appeared in the *Edinburgh Review*, and was considered at the time as an authoritative exposition of Liberal doctrine; and almost the whole of it is devoted to a proof that this system of varying qualification is preferable not only to universal suffrage, but to *any* uniform "right of franchise." On the point we are particularly considering, he says: —

"For resistance to oppression, it is peculiarly necessary that the lower — and in some places the lowest — classes should possess the right of suffrage. Their rights would otherwise be less protected than those of any other class, for some individuals of every other class would generally find admittance into the legislature, or at least there is no other class which is not connected with some of its members; some sameness of interest and some fellow-feeling would therefore protect every other class, even if not directly represented. But in the uneducated classes, none can either sit in a

* *Edinburgh Review*, No. lxi. [Vol. xxxi.], article "Universal Suffrage"; an admirable essay, singularly worth reading at present — B.

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representative assembly or be connected on an equal footing with its members; the right of suffrage, therefore, is the only means by which they can make their voice heard in its deliberations. They also often send to a representative assembly, members whose character is an important element in its composition: men of popular talents, principles, and feelings; quick in suspecting oppression, bold in resisting it; not thinking favorably of the powerful; listening almost with credulity to the complaints of the humble and the feeble; and impelled by ambition, where they are not prompted by generosity, to be the champions of the defenseless. It is nothing to say that such men require to be checked and restrained by others of a different character: this may be truly said of every other class. It is to no purpose to observe that an assembly exclusively composed of them would be ill fitted for the duties of legislation; for the same observation would be perfectly applicable to any other of those bodies which make useful parts of a mixed and various assembly."

Sir James had evidently the words of the member for Westminster* sounding in his ears. His words are not an expression of merely speculative approbation: they are a copy from the life.

An authority still more remarkable remains. Lord John Russell in 1821 expressed a very decided opinion on the advantages of having a different scale of property qualification in different places, and rather boldly grappled with an obvious objection to it. We quote the passage:—

"All parts of the country and all classes of the people ought to have a share in elections. If this is not the case, the excluded part or class of the nation will become of no importance in the eyes of the rest; its favor will never be courted in the country, and its interests will never be vigilantly guarded in the legislature: consequently in proportion to the general freedom of the community will be the discontent excited in the deprived class by the sentence of nullity and inactivity pronounced upon them. Every system of uniform suffrage except universal contains this dark blot; and universal suffrage, in pretending to avoid it, gives the whole power to the highest and the lowest, to money and to multitude, and thus disfranchises the middle class, the most disinterested, the most independent, and the most unprejudiced of all.

* Sir Francis Burdett.

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It is not necessary, however, although every class ought to have an influence in elections, that every member of every class should have a vote. A butcher at Hackney who gives his vote perhaps once in twelve years, at an election for the county of Middlesex, has scarcely any advantage over another butcher at the same place who has no vote at all; and even if he had, the interest of the state in these matters is the chief thing to be consulted, and that is as well served by the suffrage of some of each class as by that of all of each class."*

The necessary effect of the Act of 1832 has been to make us forget the value of what the authors of it considered a most beneficial part of our representative system. That such great statesmen should have pronounced such panegyrics on the diversity of qualifications in different constituencies, when it was a living reality before their eyes, shows at least that it is practicable and possible.

The plan is indeed liable to several objections: it is not to be expected that in a complicated subject any scheme which is absolutely free even from serious inconveniences could be suggested. By far the most popular objection is that which Lord John Russell noticed in the passage we have just cited: there is a sense of unfairness in the project. Why should an artisan in Liverpool have a vote and an artisan in Macclesfield no vote? Why should the richer classes in one constituency be disfranchised by the wholesale admission of their poorer neighbors, and the richer classes in another constituency not be so disfranchised? The answer is suggested by a portion of our preceding remarks. No one has a right, as we have seen, to any portion of political power which he cannot exercise without preventing some others from exercising better that or some greater power. If all the operatives in the great towns were enfranchised, they would prevent the higher classes from exercising any power; and this is the reply to the unenfranchised

*"Essay on the History of the English Government and Constitution," Chap. xxxi.

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artisan in Macclesfield. If there were no representatives of the working classes in Parliament, its measures might be less beneficial and its debates would be imperfect; the higher classes in some great towns must have less power than in some other great towns, because a uniform suffrage impedes the beneficial work[ing*] of Parliament, and prevents the ruling legislature from exercising its nearly omnipotent power well and justly. To have a good Parliament we must disfranchise some good constituents. Perhaps, indeed, the whole difficulty is overrated. We see every day that so far as the middle classes are concerned, it is of no perceptible consequence to the individual whether he has a vote or not; it is of great consequence to him that the supreme legislature should accord with the views of his class and himself, but whether he has voted for any particular member of that legislature is a trifle. We never dream in society of asking whether the person we are talking to has a vote or not: both live, and live equally, in the atmosphere of politics. Similarly, it is of great importance to the lower classes that their feelings should be sufficiently expressed in Parliament; but which of them votes for the person who should express them is of no consequence at all. The non-voter ought to take as much interest in politics as the voter. When *all* of a class cannot exercise power without impeding a more qualified class, we may select from considerations of convenience those members of the less qualified class who are to have power; there is no injustice in allowing expediency to adjust the claims of persons similarly entitled.

It may also be objected that this plan of representing the lower classes does not give them the general instruction which the exercise of the suffrage is supposed to bestow; an unenfranchised artisan in Macclesfield is not educated by giving the suffrage to an artisan in Manchester. But it is a mistake to

* *Review*, more accurately. — Ed.

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suppose that there is much if any instruction in the personal exercise of the franchise. Popular elections have, no doubt, a didactic influence on the community at large; they diffuse an interest in great affairs through the country: but the elevating effect of giving a vote is always infinitesimally small. Among the lower classes, it is a question whether the risk of moral deterioration does not quite balance the hope of moral elevation. Popular institutions educate by the intellectual atmosphere which they constantly create, and not by the occasional decisions which they require. And were it otherwise, intellectual instruction is but a secondary benefit of popular government; and we must not throw away, in the hope of increasing it, the primary advantage of being well governed. We believe too that in fact, mere existence under a good government is more instructive than the power of now and then contributing to a bad government.

We are more afraid of the objection that this inequality of suffrage in otherwise similar constituencies is an anomaly which may grow up imperceptibly, as it did before the Reform Bill, but cannot now be created *de novo*. We admit the difficulty; we are well aware that this inequality, like every other expedient in politics to which the objections are apparent and the advantages latent, is far easier to preserve than to originate. But when great interests are at stake, we should only give up that which is impossible; what is merely difficult should be done. Moreover, a little examination will, we think, show that the obstacles are far slighter than they might seem at first sight.

From this point of view it is worth remarking that the inequality of suffrage qualification to a certain extent still exists. The effect of the Reform Act has been to hide and diminish, but not to annihilate, the inequalities which existed before. The constituencies in which these inequalities existed were naturally opposed to their abolition, and a compromise was effected.

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All persons duly qualified to vote on the 7th of June, 1832, were to retain their right for life, subject to certain conditions of residence and registration. In all boroughs, likewise, in which freedom of the borough, whether acquired by birth or servitude prescriptively, gave a vote, that franchise was to a certain extent retained; the freemen of such boroughs have votes now just as before, and freedom can be acquired in the same way,—no change on this point was effected in 1832, except that a borough franchise so obtained is forfeited by non-residence in the borough. The number of these anomalous votes is still very considerable: Mr. Newmarch has shown that in 1853 it amounted to 60,565, which is more than one-seventh of 400,000, the number (or nearly so) of borough electors at that time. We have therefore a very considerable amount of inequality in our present system: we should scarcely propose to increase it, but to distribute it more usefully.

The freemen of Coventry, Derby, Leicester are not a class of whom we wish to undertake the defense; and in many towns the existence of those old rights is a recognized nuisance. We are not prepared to approve *all* anomalies in our representation. Our principles are especially opposed to the enfranchisement of favored individuals in minor towns—few enough to be bought, corruptible enough to wish to be bought; who are not in general the majority of the constituency, but who exercise important influence because they can throw in a purchasable balance of votes on critical occasions; who are in no respect fair representatives of the working classes, who do not return to the House a single fit person willing to be spokesman for them. We argue merely that the effect of the Act of 1832 has only been to diminish the inequality of suffrage qualification before existing; and by no means to establish, even if a single act of Parliament could have so done, the erroneous principle that there is to be no inequality.

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But the most effectual way of showing that it is possible to create *de novo* a beneficial variety of property qualifications is to point out how it can be done. If it be admitted that we should found working-class constituencies, it is clear that we should found them where the working classes live: this is of course in the great seats of industry, where work is plentiful and constant. Those who reside in such towns are likewise the most political part of the class: the agricultural laborers, scattered in rural parishes, with low wages and little knowledge, have no views and no sentiments which admit of parliamentary expression; they have no political thoughts. If we wish to give due expression, and not more than due expression, to the ideas of the democracy, we must select some few of the very largest towns, where its characteristic elements are most congregated. It would have been more fortunate if these towns had acquired such a franchise prescriptively; but it would have been all but miraculous if such had been the case. Many of our greatest towns are situated in what, in more purely agricultural times, were very uninfluential districts; we must not expect a hereditary franchise for newly created interests. As it is necessary to have a rule of selection, the best which can be suggested is the rule of population; we would propose, therefore, that in the very largest towns in England* there

* It may indeed be objected that these large constituencies are just the ones in which a rate-paying franchise would have the most conclusively democratic effect; and that if we concede it as to these, it is not worth while to resist it with respect to others in which we might hope, by the influence of wealth and social standing, to counteract more or less its democratic tendency. But facts show that in an immense number of constituencies these influences could not control that tendency effectually. If an act giving votes to all rate-payers be ever passed, it will probably be accompanied by a readjustment of the electoral districts on a democratic principle, which would augment the influence of mere numbers. But we need not consider this, since the introduction of the rate-paying franchise into our present constituencies would introduce a new element, much too large to be easily managed by indirect influences. It is of course not known exactly how large that new element would be: but very careful tables have been compiled of the number of inhabited houses in our present boroughs; and

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should be what Mr. Bright advocates for all towns, a rate-paying franchise. If this were extended to all towns having more than 75,000 inhabitants, it would include at present London, Liverpool, Manchester, the Tower Hamlets, Marylebone, Finsbury, Bristol, Birmingham, Lambeth, Westminster, Leeds, Sheffield, Wolverhampton, Southwark, Greenwich, Bradford, Newcastle-on-Tyne, and Salford. If there were a *bona fide* representation of the working classes in these towns, they could not complain of a class disfranchisement: there would be adequate spokesmen for them. A member speaking the voice of places where such numbers of operatives are congregated, could speak the sentiments of that class with authority. No one could be unaware that the constituency in these large towns was ultra-democratic; the representation of the lower orders would be conspicuous as well as effectual.

Nor would the number of representatives so given to the lower classes be sufficient to deteriorate the general character of the legislature. It would not amount to forty for England and Wales, or to fifty for the United Kingdom; a considerable number, no doubt, but not sufficient to destroy the representative character of a House of 658 members. The House of Commons would still represent the educated classes as a whole, its opinion would still be their opinion; the performance of its ruling function would be unimpaired, and that of its expressive function would be improved.

We have dwelt so long on this part of our subject that we shall not be able to devote as much space as we could wish to the explanation of the

as the number of women rated in respect of them is no doubt small, all but a minute fraction of such houses would give a qualification to a male voter. Now, it appears that in all except ten borough constituencies the number of inhabited houses was in 1852, and doubtless is still, more than double that of the present electors; and consequently the *new* element which would be introduced would greatly preponderate over, and in fact disfranchise, the old. It is evident that it would be very difficult to manage so many new voters by any indirect influences. — B.

[A table for Cornwall and Lancashire follows in the *Review*. — Ed.]

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mode in which we think the remaining defects of our representative system should be remedied. We can only state briefly a few of the most important considerations.

The first of those defects which we specified at the outset is the existence of small boroughs, which are either in the hands of individual proprietors or have become in the process of time nests of corruption. We need not specify examples: the fact is sufficiently familiar. Indeed, all small boroughs in the course of years must rapidly tend towards one or other of these fates. A great deal of wealth in this country seeks to invest itself politically: a small borough of this sort necessarily contains a considerable number of corruptible individuals; year by year skillful parliamentary agents ascertain who these individuals are, and buy them. The continual temptation is too much for shopkeeping humanity; with every election the number of purchasable votes tends to increase. One would not have yielded, only he wanted a new shop front; another, who is proof against plate glass, desires money to put out his son in the world. Gradually an atmosphere of corruption closes over the borough, and men of the world cease to expect purity from it. The only way in which this sort of retail purchase can be escaped is by a wholesale purchase: a rich proprietor may buy a large majority of [the] vote-conferring properties in the borough, and so become despotic in the town; each presentation (to borrow a phrase from the church) is not in that case sold on the day of election, because the advowson has been bought before by some one who has a use for it.

We may escape, then, the necessity of ascertaining the electoral corruption of particular boroughs, and lay it down as a general condition of permanent purity that a constituency should contain a fixed number—five hundred, suppose, electors. It is quite true that this remedy is not certainly effectual: there are many boroughs where the enfranchised constituency exceeds

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this number, in which the elections are not at all what we should wish. But the tendency of such a measure is plain: it prevents the wholesale purchase by the neighboring proprietors, because it makes the property too large for ordinary wealth to buy; it *tends* to prevent the retail purchase by increasing the supply of votes, which always lessens their market value, and in very many cases reduces it below the price which will tempt ordinary voters to corruption. The expedient is not a perfectly effectual one, but at least it is a considerable palliative.

What, then, is to be done with boroughs below the prescribed limits? There are in England and Wales about sixty-seven members, elected by forty-two of such boroughs. What course would it be wisest to take with respect to such seats? The most easy plan in theory is to annihilate them at once, to have a new Schedule A of places disfranchised; but it is easier to write such a recommendation in an essay than to carry the enactment in practice. These seats have the protective instincts of property: money has been spent on many of them for a course of years; in all of them the present electors would vote nearly as a man against the abolition of "themselves." The strenuous resistance of the members for such seats must be expected to any bill which should propose to abolish them *in toto;* and such resistance would be the more effectual, because in all likelihood it would be indirect. The interested members, unless a sinister policy were unusually wanting in its characteristic acuteness, would not risk a division on the unpleasant question of abolishing or not abolishing their own seats: they would throw the probably decisive weight of their votes into the scale most inconvenient to the Government proposing that abolition; would combine with every strong opposition to it; in the present state of parties would soon reduce it to a minority. A proposal to disfranchise many boroughs would soon issue in the resignation of the proposing Government.

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We must therefore assume that for the present, to some considerable extent, the influence of such boroughs must continue to exist. In 1832 there was a popular feeling which carried everything before it; now all we can hope to carry is a compromise. As a compromise, the best expedient which we can suggest is to combine such boroughs. The English respect for vested interests would preclude the popularity of a sweeping act; but the English liking for a moderate expedient would be a strong support to any measure that could be so called. The effect of such a combination would probably be in great part to set the joint constituency free from the yoke of great proprietors. If Lord A is supreme in borough *a* and Mr. B in town *b*, *a* and *b* combined will probably be controlled by neither: the local feeling of *b* will resist Lord A, that of *a* would be rigid to the enticements of Mr. B; if one of the boroughs should be "independent,"—that is to say, purchased voter by voter at each election,—its inhabitants would probably rather be purchased by any one than by the proprietor of the antagonistic borough. We are aware that these are not very attractive considerations; but what are we to do? *ils ont des canons.** We must make the best terms we can with constituencies which we cannot hope entirely to destroy.

We shall be asked why we group these existing boroughs with one another, instead of combining them with new towns not now possessed of the borough franchise, which are therefore at present comparatively uncorrupt. We admit that in some individual cases there may be conclusive reasons for taking the latter course; but we think that there are political arguments which should disincline us from adopting it in general.

We saw reason to believe that the principal defects of our House of Commons, as a *ruling* assembly, were an excessive bias to the landed interest and an

* "They have the guns."

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insufficient sympathy with the growing interests of the country. On this account it is desirable not to take from the county constituencies all the liberalizing element which they at present possess; on the contrary, it would be desirable if possible to increase it. We should, however, weaken that Liberal element very materially if, in our extreme desire to remedy borough corruption, we extracted from the constituency of the counties the inhabitants of all their larger towns. The effect of Mr. Locke King's proposal to reduce the county franchise from £50 to £10, if it should be adopted, as it probably will be, will be to augment the county influence of the towns which have no borough member: we must not counteract this tendency; as we think it desirable to diminish the *sectarian* character of our county members, we must not adopt the most effectual of all schemes for preserving it unimpaired, — we must not absorb into the boroughs all other influences save those of the country gentlemen.

Our second reason for preferring to combine the very small boroughs with one another, rather than to unite each of them with some town at present unenfranchised, is, that we wish to diminish the number of seats for such constituencies. If we annexed new elements to each of them, there would be a plausible argument for not diminishing their number; but as has been explained, we wish to provide a more ample representation for the growing districts of the country, and there is a very general and well-grounded opinion that the House of Commons is already quite sufficiently numerous. In order, therefore, to increase the representation of the progressive parts of England in the proportion which seems desirable, we must take from the decaying or stationary towns of the less active parts of the country the right of sending members which they have now. On a great scale, the same plan was adopted in 1832: it was then necessary to remedy a great evil, and therefore it was necessary that the number of seats disfranchised should be great

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and the number of newly enfranchised towns considerable also. As we have shown, no such enormous evil remains at present to be remedied: the judgment of Parliament coincides fairly, if not precisely, with the opinion of the nation; all we have to correct is, a slight bias in one direction and a perceptible but not extreme deficiency of sympathy in another. The changes we have to make, therefore, may be slight in comparison with those of 1832: still, so important is it that Parliament should really coincide in opinion with the nation, that we should take account of the beginnings of a discrepancy; while the topic of reform in our electoral system is definitely before the public, we should take the opportunity of correcting the undue inclination of the legislature towards the less active, and its contrast of feeling (which though slight is real) to the more active part of the community.

We are the more certain that it is advisable to make some such change as this, because, as we have before observed, we believe this uneasy consciousness of the less perfect representation of the progressive elements in the nation, as compared with the unprogressive, to be the secret source of almost all the slight popular enthusiasm which now exists in favor of reform. The external form of what is proposed is indeed different: the principal as well as the most popular suggestion is one for the representation of the working classes. We have no doubt that those who are at the head of that movement, as well as those who join in it, quite believe that such is their true object; but it is at least an odd undertaking to be headed by master manufacturers. Whatever view we may take of the effects of universal or of rate-paying franchise on other parts of the nation, there can be little question that its influence would be detrimental to the power of opulent capitalists. We must alter the world before there ceases to be some opposition of feeling (there is often a momentary opposition of *interest*) between the mill-owner and his workpeople.

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In the days of the short-time agitation both parties understood this perfectly; even now a Parliament of capitalists would probably propose to repeal the Ten-Hours Bill, a Parliament of workingmen would very likely desire to extend its principle. To say the least, it is strange that the characteristic men of one class should be so ready to throw all power into the hands of the other.

A letter from Mr. Bright himself to a Manchester association puts the matter in a different light.

"On a great occasion," he tells us, "like the one now before the country, there will be differences of opinion. Some think one extent of franchise better than another: some are for a £6 rental, some are for a £5 rental; you are for the extension of the right of voting to every man. Now, I prefer to establish the parliamentary suffrage on the basis which has been tried for some centuries in our parishes, and which has been adopted at a recent period in our poor-law unions and in our municipal governments; with some needless restriction, with regard to the municipal franchise, which I would not introduce into our parliamentary franchise. The more public opinion is freely and honestly expressed, the more distinctly will a government engaged in preparing a Reform Bill be able to discover which is the point likely to be most satisfactory to the public. I consider these differences of opinion on the subject as of trifling importance when compared with the question of the distribution of seats and members. *This is the vital point in the coming bill;* and unless it be well watched, you may get any amount of suffrage, and yet find after all that you have lost the substance and are playing merely with the shadow of popular representation."

This at least is an intelligible doctrine: a redistribution of seats in proportion to population would indisputably be most advantageous to Mr. Bright and his associates. Some of their school have made a calculation that sixty-three boroughs, returning eighty-five members, have not, taken together, as many electors as Manchester which returns but two; and independently of extreme cases, it is quite indisputable that the large towns and crowded populations of Lancashire and the West Riding would, in any grouping

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based on electoral numbers, assume a proportionate magnitude that would be quite different from that which they have at present. If such a readjustment could be carried, *and the present franchise retained*, the followers of Mr. Bright would be one of the most numerous divisions of the House of Commons. It is true that the advantage of their success must be shared with the class most antagonistic to them in feeling: the county representation would have to be extended if electoral numbers, or any mere numbers, were to be taken as the guide to a new adjustment. But Mr. Bright probably does not fear a conflict with Mr. Newdegate: we can well understand that he should esteem the lowering of the franchise, which would impair his power, less important than a reapportionment of members, which must increase it.

We can spare but a few words to show the unsoundness of the principle on which the proposed readjustment is to be based; and we would hope that only a few words are needed. Mr. Bright considers it an obvious absurdity that a constituency of 1,000 electors should return a member, and that another constituency with 5,000 should return but one member also. Such a variety is nevertheless *prima facie* beneficial: it would be a probable sign of the complete imperfection of an electoral organization if every constituency in it were equally numerous. All such systems must tend to give undue preponderance to some classes, and to deny not only substantial influence, but even bare expression, to the views of other classes. If the nation be homogeneous, equal patches of population will tend to return similar members; the more numerous the constituency, the more likely is this to be the result. Thousand A *may* differ from Thousand B; but Million A will assuredly be identical with Million B. The doctrine of chances forbids us to expect contrasted representatives from constituencies with a family likeness. If indeed the nation should not be homogeneous, but should contain two very numerous classes of unlike

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tendencies, whose harmony is preserved by the continual arbitration of less numerous classes intermediate between them, the result of an equal division of electoral districts would be different, and it would be worse: each of the intermediate classes would be merged in one of the larger. We may, however, look at the living operation and not at the bare theory. We have mentioned the contrast between Mr. Bright and Mr. Newdegate: what is it that prevents the continual disturbance of parliamentary peace between two classes of men so dissimilar as the members for counties — especially purely agricultural counties — and members for manufacturing cities? Obviously the existence of the intermediate elements; of members sent up by agricultural towns which contain industrial elements, and by smaller manufacturing towns which have no notion of being offered in sacrifice to the populace of great cities. An electoral system composed of "population sections" would not give us a representative assembly adapted to the performance of either of its two functions: a House of Commons so elected would not represent the public opinion of the country, and therefore could not rule it as it should be ruled, — the impartial and arbitrating element would be deficient; and as has been explained, this complete deficiency in the qualities necessary to a ruling legislature would not be compensated by any excellence in the qualities necessary to secure a good expression of the grievances and opinions of all classes. Old English good sense selected a town to send representatives separately from a county in which it was situated because it saw there the conspicuous focus of separate feelings, separate interests, possibly separate complaints: our new reformers would undo this wise arrangement; they would (at least such is the logical tendency of their argument) destroy those bounds and limits to constituencies which secure a *character* to the constituency, — they would represent the shipping interest by throwing Hull into the county of York and Grimsby into the

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county of Lincoln. Distinct definition is all that is necessary to disprove such ideas.

Paradoxical as it may sound, the evident untenableness of Mr. Bright's views gives them a claim on our attention. It is an indication of social unsoundness that men of ability and energy sincerely advocate very absurd theories, and are able to collect considerable audiences to applaud those theories. We may speak of our national contentment; but the answer comes, What then do these people complain of? We must not rest satisfied with a mere refutation of the doctrines which are avowed, or an exposition of the mischievous consequences of the plans proposed. There are certain theories of political philosophy which supply ready arguments against almost every state of society which has been able to maintain a long existence; these heresies float among the most ordinary ideas of mankind, and are ready without the least research to the hand of whoever may believe that he wants them. Latent discontent with the existing form of government catches hastily at whatever justifies it; it seeks in these old forms of false doctrine a logical basis for itself. One of these heresies is the purely democratic theory of government; it has very rarely indeed been adopted as a guide to action, but its existence is nearly as old as political speculation. In every age and country, a class which has not as much power as it thinks it ought to have, snatches at the notion that all classes ought to have equal power. Such an "uneasy class" believes that it ought to have as much power as the class which is in possession; and not liking to put forward even to itself a selfish claim of individual merit, it tries to found its pretensions on the "equal rights of all mankind." Mr. Burke described the first East-Indian nabobs as "Jacobins almost to a man," because they did not find their social position "proportionate to their new wealth"; we cannot fail to observe that the new business wealth of the present day (of which Mr. Bright is the orator and

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mouthpiece) has a tendency to democracy for the same reason. Such a symptom in the body politic is an indication of danger. So energetic a class as the creators of Manchester need to be conciliated; their active intelligence has rights which assuredly it will make heard. The great political want of our day is a *capitalist conservatism.* If we could enlist the intelligent creators of wealth in the ranks of those who would give their due influence to intelligence and property, we should have almost secured the stability of our Constitution: we should have pacified its most dangerous assailants, we should count them among our most active allies. If the transfer of a moderate number of seats in Parliament from boroughs which scarcely profess to exercise an independent choice of representatives, to large and growing towns, would only in a subordinate degree conduce to this effect, such a transfer should be made: there would still be enough of smaller constituencies for all purposes that are useful.

We have therefore completed our task. We have shown the defects which our present system of representation seems to contain; and we have endeavored to indicate the mode in which those defects might, we think, be remedied. The subject is one of great complexity and extent, and very difficult to discuss within the limits of an article. To be considered profitably, it must be considered as a whole; and it will be evident from our own pages how much space any attempt to discuss the entire topic necessarily requires. Whatever errors of detail may be found in our opinions, we cannot doubt that our general purpose has been correct. A real statesman at the present day must endeavor to enlarge the influence of the growing parts of the nation as compared with the stationary; to augment the influence of the capitalist classes, but to withstand the pernicious theories which some of them for the moment advocate; to organize an expression for the desires of the lower orders, but to withstand even the commencement of a democratic revolution.

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NOTE.

FEBRUARY 18, 1859.

THERE are some points suggested by the previous discussion which I was unable, from want of space, to treat as I should have wished; and some, too, which have been brought out more clearly by the events of the last few weeks. I gladly, therefore, make use of the opportunity afforded me by the republication of the foregoing essay to make some additional remarks.

A striking and most healthy symptom in the public mind in reference to Reform just now is its *freshness*. In former times the Tory party never thought about the matter: one of their traditional tenets as a party was an opposition to Reform, and all who desired a further change than that of 1832 were in their eyes Radicals and democrats; the subject was not one for argument. The Liberals, on the other hand, had a vague kind of abstract idea that the franchise must be extended some time or other. They would have been shocked to hear themselves called democrats; but when they talked about Reform, their language, as far as it had a meaning at all, had a democratic meaning. It was imagined that as soon as "the masses" had acquired a certain minimum of education, they would have a claim of right to be enfranchised; and it was overlooked that in practice this would be equivalent to the disfranchisement of all other classes, and would give the lower orders the uncontrolled guidance of the community. At present the state of public opinion is infinitely more hopeful. The Tories have been stimulated to the consideration of the subject: as a Government of their own is to propose a Reform Bill, it is impossible any longer to regard the topic as beyond the range of permitted speculation. The Liberals likewise have been rather rudely awakened to the unpleasant consequences of their former ideas. Mr. Bright, more than any one else, should have the credit of arousing the present Liberal reaction against democracy: he has propounded in a definite plan what

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was before an intangible idea. The subject has come within the range of practical English thought almost for the first time; and as usual, the tone of habitual discussion on it has deepened and improved. A feeling of sympathy for intelligent working people is perhaps stronger than ever, and there is every wish that they should if possible have some power in the community; but there is a distinct and settled determination that they shall not have all the power.

I have dwelt so fully on this part of the subject in the preceding essay, that it is not necessary for me now to resume the general discussion of it. The public mind is in a much more likely mood to entertain what appear to me to be just ideas than it ever was before, or than I could have hoped it would be now. There are one or two incidental remarks, however, which it is necessary to make on the subject.

The most telling objection to the expedient suggested in the foregoing essay for representing the working classes — viz., that of lowering the qualification so as to include them in the great seats of industry, but not elsewhere — is, that it sacrifices the political power of the higher classes in those important places. The higher classes in Manchester cannot be expected to *like* that they should be disfranchised by the wholesale enfranchisement of the workingmen in Manchester. That it should ever be pleasant, it would be impossible to hope; but there are some considerations which tend, I think, to make it less unpleasant than might be imagined at first sight.

In the first place, a great deal of the anticipated calamity has happened, and is being endured. The creators of the wealth of Manchester — and when I speak of Manchester, I only do so because it stands out in the public mind as a type and symbol of cities of the class — are not the £10 householders who return its members: these are the small shopkeepers and petty dealers who swarm and congregate about every great commercial place, but who bear to the merchants and

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manufacturers of those places much the same relation that the sutlers of a camp bear to its disciplined army. In London, where the geographical division of industrial pursuits is unusually evident, there are whole constituencies composed nearly exclusively of these rather mean attendants on commercial civilization: the Tower Hamlets contain very little else, and any one can see by walking through them how little their population has of the cultivated energy and enlarged acuteness commonly to be found in a great merchant. In other towns — Liverpool is a strong contrast in this respect to London — this attendant community of inferior dealers resides in the closest proximity to the most important mercantile offices, — in the focus of business transactions. The effect of the Act of 1832 has been to throw the representation of the large trading towns into the hands of these inferior traders, whose vicinity to the greater ones is inevitable and whose numbers are overwhelming. A portion of the higher class of traders sympathize in the views of the lower; this portion assume to be the leaders of the place, and give to persons at a distance an idea of its tendencies quite different from what would be desired by the higher citizens in general. There has always been an anti-Manchester party at Manchester. The school which Mr. Bright represents has not the undisputed lead among the manufacturing and mercantile men of the North which it is commonly thought to have: the most cultivated people there are perhaps generally opposed to it. The highest and best class of the traders in great commercial towns are already disfranchised, and it would in reality be better for them that it should be thoroughly understood to be so: at present the world imagines that their present representatives express their feelings and state their opinions. If the representation of such places were avowedly and constitutionally in the hands of the working classes, it would be understood that the higher traders had no voice; those of them — and they are

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a very large number — who have none now would be great gainers, because they would no longer have the vexation of being thought to sympathize with persons to whom they are emphatically opposed. The reason is different with respect to the prevailing party in those boroughs, but the conclusion is the same: so far are Mr. Bright's followers from protesting against the wholesale admission of the class of voters just below them, that they are clamorous in favor of that admission; if the adoption of a rate-paying franchise is supported by any part of the country, it is by the constituencies of the very largest towns. There is no hardship in giving to them the boon which they demand for every one.

If, however, it should be found that the higher classes of the largest towns exceedingly disliked the evident disfranchisement which would be the certain consequence of extending the borough franchise in such towns to the lower orders, it would not be by any means impossible to find practicable plans of preserving to them an effectual franchise. The first of these plans is the creation of what may be called *suburban* constituencies. The greater part of our merchants and traders, even the higher part of our shopkeepers, have long since deserted the straitened dwellings over the shop and the counting-house which contented their fathers. They have residences in country districts near their places of business; all round our largest cities there is a network of them. Many constituencies could be found in the environs of our great cities where the rich, comfortable, and intellectual business classes reside in very great numbers, and where they would be far more likely to predominate, and to have an effectual voice in the selection of members of Parliament, than under the present suffrage system they are or can be in the great seats of industry themselves. Such classes would benefit exceedingly by conceding to the working classes the undisputed command of the representation of the

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great town itself, if they could thereby obtain a real representation for themselves at their own homes. That which they have now — so numerous are the meaner householders — is rather a vexing mockery than a desirable reality; what they would obtain would be a substantial and effectual influence on the legislature. If it were necessary, it would be easy to provide that the representation should be really in the hands of the higher class by fixing the property qualification for a vote at a higher point than usual (at £20, suppose); but I rather apprehend that this expedient, though quite defensible and by no means intrinsically undesirable, would not be absolutely necessary, as the number of the higher classes residing in well-selected suburban constituencies would give them, under a £10 franchise, an effectual superiority.

A second plan, which is not inconsistent with the first, but rather supplementary to it, is a development of the suggestion that personal property should be made the basis and criterion of a qualification as well as real property. The first step to carry this into practice raises the question, For what constituency is this qualification to give a vote? Railway debentures and the public funds have no locality; if they are to give a vote, they may do so for one place as well as for another. I would propose to give the voter himself a choice on this point. If he had the power of registering himself on the ground of a moneyed-property qualification within a certain circle of constituencies — say to any one situated at not more than fifty miles from his usual place of abode — he could transfer his vote to that one where it was most wanted and would be most effectual. The higher classes in the largest constituencies — practically disfranchised as they almost are now, and as they would be quite if the suggestions I have ventured to make were adopted — might find a satisfactory refuge in the smaller constituencies of the neighborhood, whose numbers they would augment and whose composition

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they would materially improve. In general, too, the creation of a *transferable* constituency, by conferring the suffrage on the possessors of non-local wealth *as such*, would be a material strengthening of the educated classes as opposed to the non-educated, because it would give the former an opportunity of concentrating their power where it would tell most, while the power of the lower classes would be dispersed and inseparably attached to certain places.

Both of these are expedients for giving to the disfranchised upper classes of the most numerous constituencies power *elsewhere* than in these constituencies; two other expedients may be mentioned by which they might still retain considerable influence *in* them.

The first of these is a modification of the "minority principle." It has been shown in the preceding essay, by arguments which are to my own mind conclusive, that this ingenious expedient would not of itself solve the problem of giving to the working classes a certain number of spokesmen in Parliament without conferring on them the supreme authority in the state. The working classes are the enormous majority in the country: if the franchise is universally lowered so as to include them in every constituency, they will be masters of the country. By means of the minority principle a certain power may be preserved to some fraction more or less of the constituency, according to circumstances; but the great preponderance will be with the majority still. In the case usually supposed of a constituency with three members, in which each constituent has nevertheless but two votes, a minority at all greater than two-fifths of the constituency could return one member, if they pleased it, with complete certainty; but the corresponding majority of a trifle less than three-fifths would return two members with equal certainty,—the influence of the majority would still be double the influence of the minority. So far from this principle giving to the working classes a few members and

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no more, it gives the greater number to them, and only a few, in comparison, to the rich. But though this expedient does not of itself give the solution of the problem of which we are in search, it gives us the means of alleviating the inconvenience attaching to what we have found to be one solution of that problem: we may by means of the minority principle give a voice to the rich in the exceptional constituencies in which it has been proposed to lower the franchise so as to include the workingmen. In these constituencies we only wish to give the rich *some* power; it is the principle of the proposal to give the greater power to their inferiors.

One of the modes in which the minority principle might be made use of for this purpose has an appearance of equality which would be, I should imagine, attractive to consistent democrats. It is proposed that no matter what the number of members for the constituency may be, no elector shall have more than one vote. As has been previously pointed out, this is by far the most efficacious form of the minority principle, because the minority to which it gives a member is smaller than it is under any other modification of that principle. If there were only two members for a constituency, a minority at all exceeding one-third might be certain of returning a single member. I cannot, indeed, imagine that in this form the principle could ever be adopted or even seriously advocated: no one would say that one-third plus one of the nation was entitled to as much voice in its deliberations and decisions as two-thirds minus one of it; a small minority — as such, and no matter how composed — could never claim to have as much power as a large majority, the members of which might, for aught which appears, be equally intelligent. Nor, even if we supposed the minority to be the rich and educated and the majority the poor and ignorant, would the result be satisfactory. The error would then be in the other direction: the ignorant majority would in

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that case have as much power as the instructed minority, which is exactly what we desire that they should not have. Like all other modifications of the minority principle, this one fails as an anti-democratic expedient applicable to the whole country: it would be most dangerous to lower very greatly the franchise throughout the country, in reliance on its efficacy in precluding a despotism of the uneducated. But if the franchise be only extended to the working classes in certain exceptional constituencies, the adoption of the rule that no elector should have more than a single vote might in them be very beneficial. Suppose that three members were assigned to such constituencies, and that no elector possessed more than a single vote: a moderate fraction (one-fourth of the constituency plus one) could always be sure of returning a member, and the remaining part of the constituency (three-fourths minus one) would return the other two. If the higher classes of a great town were really united, and used their legitimate influence with zeal, they could always command somewhat more than a quarter of the constituency; they would be secure of returning a representative to the legislature as well as their inferiors.

The same end would be reached by the adoption of what is called the "cumulative vote" in these exceptional constituencies. By this is simply meant that the elector should be permitted to give all his votes to a single member if he pleases: thus, if the members to be elected for the constituency be three, and each elector have three votes, he would be enabled to give all his votes to any one candidate, instead of being compelled, as at present, either to distribute them among three candidates or abstain from using some of them. By means of this expedient, also, a minority at all greater than one-quarter could with certainty return a member; and the effect in that respect would be of course the same as if that result had been attained by the other expedient.

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I cannot but think, however, that the latter mode is very preferable in other respects. Mr. J. S. Mill says very justly that the principle of giving the elector fewer votes than there are members to be elected must always be unpopular, "because it cuts down the privileges of the voter;" while on the other hand the adoption of the cumulative vote increases them, and has in consequence a tendency to be popular. Mr. Mill justly observes also that the expedient of the "cumulative vote" has another great advantage: it enables voters to indicate not only their preference for a candidate, but the degree of their preference. Instead of voting mechanically for all the candidates put forward by their party, it enables them to select the one whom they really themselves most approve, and to support him only. This would tend to secure to eminent and trusted statesmen a secure position in their respective constituencies, which is one of the most important among the minor excellences of a representative system.

By one or other of these two schemes, it would be possible to give a real representation to the working classes in the large towns in which they live, and to preserve a portion of influence and a share in the local representation to the higher classes of the town. Both schemes are, however, liable to the very considerable objection that they permit, or rather provide for, the election in the same place of a member for the poor and a member for the rich, which is very likely to cause local ill-feeling, and may sometimes irritate the poor into momentary turbulence. On this ground, it seems to me preferable that the higher classes in the large towns should be content with such indirect compensation for their local disfranchisement as would be afforded by the two plans which were noticed first. But popular impression has an incalculable influence in such questions; and if the higher classes in these first-class constituencies would feel it a stigma or an injustice to have no

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share in their local representation, such a share must be reserved to them, although we are thereby compelled to allow of the election of two contrasted kinds of members for the same town.

It may likewise be objected to the creation of such exceptional constituencies as I have proposed, that their exceptional character could not be permanent. If you once lower the qualification in one constituency, it may be said, there will be no rest from agitation until it has been lowered to the same extreme point in all constituencies. But this appears to me to assume that the democratic tendencies of the country are far more powerful than they really are. The extension of the suffrage, especially a very large extension of it, is not very popular with the existing constituencies; if we give to such privileged bodies a good argumentative defense, the oligarchical tendencies of human nature will go far to insure their maintaining their privileges. Nothing tends to the longevity of a public benefit so much as its being also a particular private advantage to some one who will look after it. Such a defense the existing constituencies will really have if we assign to the working classes some real representation in Parliament; but while the most numerous class have no means at all of making their voice heard, there will always be an uneasy feeling that they are unduly depressed and unfeelingly disregarded. So far, then, from the creation of exceptional constituencies tending to weaken the arguments in favor of the general structure of the present constituencies, it is the only way of removing the most telling argumentative objection to our existing arrangements.

An exceptional character in particular constituencies is, it should be observed, an essential element in every system of *class* representation. If you lay down the principle that there shall be persons in Parliament qualified and authorized to speak the sentiments of special classes, you must take care that in certain

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electoral bodies those classes shall predominate, that the member for such bodies shall be their member. You can only secure speciality in the member by a speciality in the constituency. This is the very ground on which borough populations were originally selected for a separate representation: it was believed that places differing so much from the rural districts in which they were situated would have distinct interests to advocate, distinct opinions to maintain, possibly distinct grievances to state; in a word, it was believed that they would [each] send a special representative, with something to say different from that which an ordinary county representative would ever say. By selecting for particular representation, towns occupied in all the important kinds of trade, we have secured an expression to the opinions and sentiments of all kinds of capitalists; by giving special representatives to the universities, we have provided — perhaps not adequately, but still to some extent — for the characteristic expression of the peculiar views of the cultured classes. I believe that the principle of special representation should be extended to the lower classes also, who, from an improvement in education, have now in the larger towns opinions to state, and perhaps, in their own estimation, grievances to make known. If a special representation is given to such persons, it can only be in the same way that special representatives are given to other classes, — by creating constituencies with a corresponding speciality.

It is to be observed that the necessity for creating such exceptional constituencies would not be obviated by the recommendation which Mr. Mill has made of giving one vote to every man, whatever be his education, and additional votes in a rapidly ascending scale to persons of greater education. The object of this recommendation is to keep the principal authority in the state in the hands of educated men; the scale of votes is avowedly arranged for that purpose. By the adoption of this scheme, you would give to the

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working classes no characteristic expression in the legislature; you would give them an influence in every constituency in appearance considerable, but which would be of no practical avail to them as a class, because on all characteristic points their voice would be neutralized, and whenever there were class candidates theirs would be rejected by the more numerous votes given for that very purpose to the more educated classes.

I must have wearied every reader with this part of the subject; and my only excuse is the strong conviction which I feel of its importance, and my wish not to omit to make any observation which may serve to throw it into what seems to me the true light.

As far as the nomination boroughs go, I have no wish to say a word in their defense. In former times there may have been a certain advantage in the existence of such seats: young men of promise were then occasionally brought into Parliament by the patrons of such constituencies, and great statesmen sometimes found a refuge in them during moments of unpopularity; but these advantages belong to past times. Before the Reform Act of 1832 the borough proprietors had boroughs to spare; such was the plenty of such seats that there were some left for the public after providing for the relations and personal friends of the proprietor. But the fact is otherwise at present; there are not now enough of such boroughs to provide for the personal connections of those who own them, and the public derive almost no advantage from their continuance.

As I have explained, all very small boroughs tend to become either dependent or corrupt, and therefore all very small ones should be abolished; but this is no ground for abolishing a great number of constituencies which, though not very large, are still large enough to be fairly independent and fairly uncorrupt. There can be no ground for disfranchising every place which has not 10,000 inhabitants. If we

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look to abstract principle as our guide, no measure would be more undesirable. We have seen it to be desirable not only that there should be special representatives for every class in Parliament, but likewise that the predominant tone and temper of Parliament should be despotically controlled by no class or sect of persons, — that it should coincide with the feeling of the nation itself: the accordance of the opinion of Parliament with that of the country is the principal condition for the performance by Parliament of its great function of ruling the country. This can only be secured by the continuance in Parliament of many members representing no special interest, bound down to state the ideas of no particular class, themselves not markedly exhibiting the characteristics of any particular *status*, but able to form a judgment of what is good for the country as freely and impartially as other educated men. It is impossible to expect that such persons will be commonly sent to Parliament by the counties and the large towns. A good deal has already been said of the *sectarian* character of the county members: I fear it must be allowed that the better class of members for large towns are at least as sectarian; they are capitalists, men of business, representing the views and opinions of the £10 householders. I am not speaking of such members as stray in occasionally for such constituencies as the Tower Hamlets, — a low class of demagogue will now and then be returned by every very large constituency; but the characteristic tendency of the large towns is to return men of business, of mature age and of a certain very recognizable if not very describable tendency of sentiment and opinion, — a kind of member as marked, as peculiar, and as distinct from all others as any county member can be. I cannot but think that we shall impair the proper working of our parliamentary constitution if we greatly augment the number of class representatives, whether for the large towns or the counties. Whatever other defects

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may be alleged to exist in the smaller boroughs, the objection that they return exclusively the representatives of a class cannot be made to them: every species of member sits for some of them; a list of persons more unlike one another could hardly be found than the list of the representatives for our smaller boroughs. When we consider how exceedingly important it is that the judgment of Parliament should be alloyed by no class prejudice or class interest, that its decisions should be in accordance with the real and deliberate decision of the nation, we shall, I hope, pause before we abolish constituencies so likely to contribute to effect this result. It is not possible for human skill to apportion to each special interest the exact number of representatives which it ought to have, and to compose a Parliament exclusively of such special representatives; it would require more skill than any statesman can claim to establish a coincidence of opinion between Parliament and the country solely by the definite allotment of particular members to particular classes; there is no criterion to tell us with accuracy how much each class contributes to the formation of public opinion. The sole expedient for securing the result which we wish to obtain is that by which it has actually been obtained. We have a Parliament, subject to two slight objections, fairly coincident in judgment with the reflecting part of the community: this inestimable coincidence of judgment is largely due to the immemorial existence of very many impartial constituencies. We have class advocates in Parliament, it is true; but many unbiased judges, many national representatives, are to be found there likewise. Perhaps no course could be more dangerous for the country than to diminish the number of the latter, and so lose, possibly at a very critical moment, the incalculable benefit of their impartial intelligence.

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THE HISTORY

OF THE

UNREFORMED PARLIAMENT,

AND ITS LESSONS.*

(1860.)

PERHAPS no subject of historical research should be so interesting just now as the practical working of our system of parliamentary representation before 1832. The principles of representative government are again about to be brought under discussion; a new proposal for Parliamentary Reform must be announced before many weeks are past. The more that subject is discussed, the more do all thoughtful persons wish to consult the lessons of experience with respect to it. We feel more than we used to do the difficulty of the question; we distrust more the tenets of pure democracy; we know more of the complexity of a cultivated community; we know the necessity of giving to each class the weight which it ought to have, and no greater weight: in consequence we feel more than formerly the intellectual prudence of recurring to the facts of experience, — but unfortunately there are very few such facts. Of all important political expedients, representation is by far the newest; and

* The Rise and Progress of the English Constitution. By E. S. Creasy, M.A. Fourth edition, revised and with additions. London: Richard Bentley. 1858.

The Representative History of Great Britain and Ireland: being a History of the House of Commons, and of the Counties, Cities, and Boroughs of the United Kingdom, from the earliest Period. By T. H. B. Oldfield. In six volumes. London: Baldwin, Cradock & Joy. 1816.

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our experience with respect to it is therefore scanty and limited. The Continental nations which have made trial of representative government have done so almost always under exceptional circumstances, and in each case the national character of the particular nation which made the trial has very greatly affected the result of it. The experience of America is, from many causes, difficult to apply to the times in which we live: the difference of circumstances, both economical and social, is a perpetually modifying force which tends to make a sweeping deduction almost necessarily unsound. The contrast between a new country and an old, between a state in which there is an endowed church and a landed aristocracy and one in which there is neither, between a society in which slavery exists and one in which it does not, is too great to be unimportant and too pervading to be eliminated. Nor is it easy to derive effectual instruction from the working of the system which is in operation now; at least it is difficult to derive instruction which *others* will think satisfactory. We may and do make out points sufficiently clearly to ourselves; but in the heat of controversy and in the confusion of contemporary events, others in fact derive from the same data the contrary deductions. We are therefore thrown back on our own history for such instruction as it may give us; and the break made by the Reform Act of 1832 is at least in this respect useful. We can draw lessons from the times preceding it with the calmness of history, and nevertheless those times may yield us instruction. They are far enough from our own age to be dispassionately considered; they resemble it enough to suggest analogies for our guidance. Nor is this history in itself uninteresting: the unreformed system of representative government is that which lasted the longest, which was contemporary with the greatest events, which has developed the greatest orators and which has trained the most remarkable statesmen. No apology, therefore, seems

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to be needed for writing upon the subject at present, even if we should write at some length.

To give an exact account of the old English system of representation is, however, no easy task. At present the statistical information which we possess respecting the electoral system which exists is exceedingly abundant: we can tell the number of voters in every borough and every county; we know by what right of suffrage they are entitled to vote, and how many of them have chosen in any case to exercise their right at each successive election. Compendious works specify what lord or commoner has influence in such or such a town; they say whether it is preponderant and all-powerful, or only moderate and sometimes resisted: they tell us in which town money has overwhelming influence, and enumerate the occasions upon which the use of that influence has been proved before the proper tribunal. We can hardly hope to obtain better information as to the actual working of a system than that which we have as to the system under which we are living. A hundred years ago our ancestors were nearly destitute of all such information. They had no means of telling the number of voters in any borough or county; no register existed from which it could be discovered. The right of voting in different places was exceedingly different, and the decisions of the House of Commons respecting them had been very confused. From political motives, indeed, these decisions were often contradictory; they were made to suit the requirements of the moment and the commands of the minister of the day, and a judicial spirit was, while the decision lay with a committee of the whole House of Commons, scarcely even affected. Sir Robert Walpole used to say that in election committees there ought to be "no quarter"; and the final fate of his long administration was determined by a division on an election petition from Chippenham. As the deciding power respecting electoral rights was so inconsistent, it would

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perhaps hardly have been worth while to collect its decisions; and no one did so. A hundred years ago the constant reference to precise numerical data which distinguishes our present discussions was by no means in use; and even if the number of the electoral body had been more easy of ascertainment, no one probably would have ascertained it. The government had not yet established a census of its subjects, and would not perhaps have liked to have the voters who chose it counted; at any rate no one did count them, and a very general notion respecting the practical working of our representative system was all which could be formed at the time, or that can be formed now.

The representation of England and Wales was formerly, as now, in the hands of counties and boroughs. The number of counties was the same as it now is; but they were as yet undivided for the purposes of representation. The number of boroughs was very considerable, and this of itself led to difficulty.

It is evident that in early times, when population was small and trade scanty, it would be difficult to find very many boroughs that would be fit to elect proper members of Parliament. We know by trial that a town constituency, to be pure and to be independent, must be of fair size and must contain a considerable number of better-class inhabitants: unless it be so, it will assuredly succumb to one of two dangers, — it will fall under the yoke of some proprietor who will purchase the place as a whole, or it will be purchased vote by vote at each election. Nothing, both experience and theory explain to us, is so futile as to expect continued purity and continued independence from a small number of persons who have something valuable to sell, and who would gain what is an object to them by selling it. But of considerable towns the number was once exceedingly few. Internal commerce and foreign trade have made such

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enormous strides in England recently that we hardly realize the poverty of former times, or the small number of people who lived where we live now. Statistics, though they may give us a statement of the fact, do not and cannot fill our imaginations with it. We may get a better notion of what England was in numbers and wealth from traveling in the purely agricultural — the less advanced and poorer — parts of the Continent than we can from figures and books. We shall in that way gain a vivid impression that it would be impossible, in a rude age and country, to find a very great number of towns large enough to elect representatives independently and rich enough to elect them uncorruptly.

In the system which prevailed a hundred and fifty years ago our ancestors had much aggravated this difficulty: they had not selected the most considerable towns to be parliamentary constituencies; they had not taken all the largest, and they had taken several of the smallest. We need not now explain why this happened: we have no room to discuss the antiquities of the old boroughs. We cannot tell in many cases why some were chosen which were chosen. But two facts are incontestable; of which one is, that there was probably much original caprice in the selection of town constituencies. The sheriff had at first a certain discretionary power, and we do not know very precisely how he exercised it. The boroughs themselves were anxious, not to obtain the right but to evade the obligation of sending members to Parliament. Provided a respectable number of borough members appeared in their places to assent to the requisite taxes, and to indicate by their demeanor if not by their votes the popular feeling on the topics of the day, the early rulers of England — those rulers who laid the foundations of our representative system — were satisfied; they felt no nice scruples as to the exact magnitude of the towns which did not send members or of those which did so. In the times of

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the Tudors and a little later, the Crown exercised its prerogative of creating new boroughs; and as the popular spirit had then begun to be a subject of dread, and the voice of the House of Commons was already of some importance, we need not hesitate to imagine that the statesmen of the time regarded the "loyalty" or subservience of the boroughs they created, rather than their precise size. English statesmen look to the wants of the day, and especially to the wants of their own administration, much more than to complex figures: they do so even at the present day, when statistical tables will be paraded against them; how much more did they not improbably do so in the reigns of the Tudors, when there was no check upon them in any matter requiring much research or information; when, if they chose to disregard numerical data, no one else could know, far less prove, that they had done so! Nor was original caprice the only cause that had given representatives to many boroughs which in the eighteenth century seemed scarcely fit to choose them, and which denied them to others which appeared to be much more fit. In the contest between the Stuarts and the people, the Crown lost its old prerogative of creating boroughs. The moment there was a contest between the House of Commons and the sovereign, it became clear that the sovereign must be victorious if he could add members to the former at his pleasure: accordingly, the House of Commons impugned the validity of the so-called prerogative; their resistance was successful, and it was exercised no longer. In consequence the old boroughs remained, and no new ones were added; and as, in a changing country like this, many places which were formerly large gradually became small and many small ones on the other hand became large, the distribution of wealth and numbers came in process of time, and by a process which no one watched, to be altogether different from the distribution of parliamentary influence.

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Nor was this the only way in which the inherent difficulty of finding good town constituencies in poor and rude times was artificially aggravated in our old system of representation. Not only were the best boroughs not chosen to be constituencies, but the best persons in those boroughs were not chosen to be electors. The old and complex rights of suffrage in different boroughs are antiquarian matters, on which we have not a single line of space to bestow; but they differed very much. Originally, perhaps, the right or duty had belonged or attached to all rate-paying householders; but this simple definition, if it ever existed, had long passed away, and the rights of suffrage had become most various. No short description, much less any single definition, would include them. We give those which existed in the boroughs of two counties, Somersetshire and Lancashire, to show how great the diversity was, and how many "permutations and combinations" it embraced:—

SOMERSETSHIRE.

BRISTOL, . . .	Freeholders of 40*s.* and free burgesses.
BATH, ...	Mayor, aldermen, and common-councilmen only.
WELLS, . . .	Mayor, masters, burgesses, and freemen of the seven trading companies of the said city.
TAUNTON, . . .	[Householders or "pot-boilers," anciently called] Potwallers, not receiving alms or charity.
BRIDGEWATER, .	[The corporation, consisting of the] Mayor, aldermen, and twenty-four capital burgesses of the borough paying scot and lot.
ILCHESTER, . .	Alleged to be the inhabitants of the said town paying scot and lot, which the town called "pot-wallers."
MINEHEAD, . .	The parishioners of Dunster and Minehead, being housekeepers in the borough of Minehead, and not receiving alms.
MILBORN PORT, .	The capital bailiffs and their deputies, the number of bailiffs being nine, and their deputies being two; the commonalty stewards, their number being two; and the inhabitants thereof paying scot and lot.

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LANCASHIRE.

LANCASTER, . . Freemen only.
PRESTON, . . . All the inhabitants.
LIVERPOOL, . . Mayor, bailiffs, and freemen not receiving alms.
CLITHEROE, . . Freeholders, resident and non-resident.
[NEWTON, . . Freeholders of 40*s.*, joint tenants having but one vote. Proprietary borough.]
WIGAN, . . . [Supposed to be the] Free burgesses.*

Generally speaking, we may perhaps say that the original scot-and-lot (or rate-paying) qualification had been submitted to two opposite forces of alteration. By one it had been restricted to certain inhabitants of the town who, by virtue of some corporate right or municipal office, assumed to themselves to be its most important and chief inhabitants. These principal persons were usually few, and they prudently contrived that their number should not be augmented: they formed themselves into self-renewing corporations; at every vacancy the remaining members filled up the place as they deemed best, and they took care no one should have votes for the borough but themselves. On the other hand, by a second process, the borough suffrage had been widened so as to include all freemen, or all inhabitant householders not receiving alms; everybody, in short, who could be included in it. The process of extension, as was natural, was of the two the older process: while the right of electing members was attended by the duty of paying them, it was an onerous burden, and the chief people in the place tried to extend it as far as they well could; in later times, when members were no longer paid, and political advantages were to be obtained by the skillful use of a vote, the influential people of a borough tried as much as possible to keep the parliamentary suffrage to themselves. In the last attempt they generally succeeded: the boroughs in which the people at large elected the members were, in the

*Oldfield, Vol. iv. I have restored his order and one borough omitted by Bagehot. — ED.

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eighteenth century, far fewer than those in which a few persons of one sort or another elected them. The tendency of the House of Commons itself, from various causes, was rather to confine than to extend the right of suffrage. But in whichever direction the progress of time had altered what we may suppose to have been the original right of franchise, whether it had restricted it or had extended it, the effect upon the constituency was almost equally bad. If it was much narrowed, it fell into the hands of a very small number of persons, who used for their own benefit what had become a very marketable privilege; and if the franchise had been very much extended, — especially if it became, as in several places it did, nearly equivalent to universal suffrage, — we may readily conceive in what manner it was used, when we remember that many of the boroughs were small, that in that age corruption was thought far less disgraceful than at present, and that the poorer classes were much poorer and much more ignorant than they now are.

We need not further explain the general causes which impaired the independence and purity of the ancient boroughs. As it would have been somewhat difficult to find in old times enough boroughs that were proper to choose representatives; as the best had not been chosen — perhaps had not been searched for; as in the actual boroughs the best people to be voters had not been selected as such; as in most of them the electing constituency was very small, — it is no wonder that most of these boroughs fell more or less under the control of rich men who considered the franchise of the borough a part of their own property.

With the counties the case was somewhat different: as yet there was no Chandos clause,* the 40*s.*

* The clause in the Reform Bill of 1832 giving votes to all farmers occupying lands of £50 rental without specific tenure; introduced by the Marquis of Chandos. — Ed.

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freehold was as yet the only title to a vote. Yeomen with such freeholds were as yet numerous, in many counties very numerous, and were still sturdy and independent; the inferior gentry were not always much disposed to submit to the dictation of lord or duke. In the last century the county franchise was always considered as the free and independent element; those who wished to purify the legislature always proposed to augment that element, and saw no other means of obtaining what they wished for.

But even the counties were in former times far less independent than from the nature of the legal franchise — from the paper description of it — we should suppose. Our county society has always been an aristocratic society; and in the last century aristocracy was a power of which it is difficult, in these days of free manners and careless speech, to realize the force. Society had then far more than now a simple, regular, recognized structure; each class had its place, — it looked up to the classes above it, it would have thought it wrong to vie with them or even to imitate them. Each class was to a certain extent independent; each went its own way on its own affairs, attended to the transactions of its own calling and the details of its own life: but each had a tendency, such as we can hardly now imagine, to be guided, impelled, and governed by those who were above them, on all questions and in all matters which concerned or seemed to concern all classes equally. The real distinction between classes, too, was then an infinitely greater one than it now is. The aristocratic class was the most educated class, had access to the best society, was as a whole by far the most polished and cultivated class in the nation. For good and for evil, noblemen had a power then to which there is nothing comparable, scarcely anything analogous, now. Amusing illustrations of this occur in the documents of the time. Thus Burke, in a memorandum on East-Indian affairs addressed to the noblemen and

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gentlemen who composed the Rockingham party, proposes the following scheme:—"With regard to the Bank [of England], which is the grand instrument of the Court on this occasion, might it not be proper (if possible) that some of you of the greatest property should resolve to have nothing to do with their paper? There are five or six of you that would frighten them."* If the territorial influence of the aristocracy was supposed to be so powerful in Threadneedle Street, we may easily suppose what it must have been in their own counties, at their own doors. The county contests of the last century had a continued tendency to become family conflicts between one noble house and another; the political questions of the day were merged in the intensity of the aristocratic and perhaps hereditary feud.

Such was the representation of England, and it seems restricted enough; but that of Scotland was even more restricted still, and more subject to illegitimate influence. Even the stoutest defenders of the old system of representation before 1832 used to own that the Scotch system could only be defended as "part of a whole," and that taken by itself it was absurd. There were in theory in Scotland thirty county members and fifteen borough members; but the franchise had in both of them been narrowed to an almost inconceivable extent. In 1812 the whole county constituency only amounted to 1235, and the whole borough constituency to 1253. The franchise in the counties was restricted to the tenants-in-chief of the Crown; all proprietors (the feudal law in theory still prevailed) who held from a subject were disfranchised, though a very large portion of the county was owned by them. The result was much† the same as if in England the county member had been chosen, not by the 40*s.* freeholders but [by] the lords of the

* "Correspondence," Vol. i., page 429. Dated 1773. Refers to Government attack on the East India Company. — ED.

† The useless word "about" is added in the reprint. — ED.

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manor; the franchise was practically as confined in Scotland as that restriction would have made it here. The borough franchise, too, was possessed by the members of the town councils of the various boroughs exclusively; no other persons had a share in it. The burghs were, as now, divided into districts; in each district the town council of each burgh contained in it named a delegate, and by the majority of these delegates the member for the district was chosen. Edinburgh alone had the honor of a separate representation, and its constituency amounted in number to *thirty-three.*

What degree of independence such small constituencies may have possessed in England or in Scotland, we cannot now accurately know; even to those who knew the places best, it must have been sometimes difficult to determine it with accuracy. Influence is in its very nature somewhat secret: we cannot tell whence it precisely comes, by what exact channels it acts, or in what direction it is tending. Any estimate which can be formed of the degree in which the constituencies of the last century, such as we have described them, were either dependent or independent, must be very vague. The public at large knew very little on the subject; and no one took the trouble to note down in detail and with precision that which they did know. A general notion of the practical results may, however, be easily formed. In the year 1773, Dean Tucker observed in a letter to Lord Shelburne:—

"Your Lordship has the command of two boroughs already; and the public shrewdly suspect that you would have no qualms of conscience against commanding two more—or even twenty-two. Mr. Fox and Lord Holland's family command one; the late Marquis of Rockingham had at least two which he might and did call *his own:* and were I to proceed after the same manner throughout the peerage and the great landed interest, also the commercial and the manufacturing interest of the realm, perhaps I might enumerate not less than two hundred—viz., boroughs and cities, and even counties—whose voters choose representatives and return members

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to Parliament more according to the good-will and pleasure of those who have the ascendency over them than according to their own private judgments or personal determinations."*

As there were at that time no Irish members, the number of members of Parliament was 558; and as almost all constituencies had then two members each, this estimate would give about 400 to the class of nominated and dependent members, and about 158 to that of the independent. This calculation, rough as it evidently is, and imperfect as the data for making it evidently were, corresponds sufficiently well with a very elaborate calculation made forty years later:—

Members returned by 87 peers in England and Wales,	218
" " 21 " Scotland,	31
" " 36 " Ireland,	51
Total returned by peers,	300
Members returned by 90 commoners in England and Wales,	137
" " 14 " Scotland,	14
" " 19 " Ireland,	20
" nominated by Government,	16
Total returned by commoners and Government,	187
Total returned by nomination,	487
Independent of nomination,	171
Total of the House of Commons,	658†

Whatever doubts might be suggested—and doubtless some might be suggested—as to the details of this estimate, its main conclusion may be considered to be certain: a large, preponderant majority of the

*"Four Letters on Important National Subjects," Letter ii.

†The above estimate is taken from Dr. Oldfield's "Representative History" [Vol. vi.], a work in many respects entitled to respect, but by no means impartial. [It was essentially a propagandist tract for Reform. The last four volumes are a gazetteer of the counties and boroughs in Great Britain, with their rights of suffrage, etc., a summary of the election petitions sent to Parliament concerning each, and many of them used as texts for very bitter and rhetorical denunciations of "rotten boroughs."—ED.] The representation of Ireland, though not free from great defects, had been exceedingly improved at the time of the union with England—B.

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members of the House of Commons were in one way or in another nominated by noblemen and gentlemen, and only a minority were elected by the popular constituencies. The majority of the House of Commons represented the views and feelings of a particular and peculiar class; the minority only were elected by constituencies which could be supposed to choose representatives for all the other classes.

Such was in bare outline the old electoral system of England; and we may describe it by a startling phrase,—it was a representation, so to say, of *select constituencies.* This is not the light in which we have been used to regard it: we speak by tradition of borough-mongers with dislike, and of rotten boroughs with contempt. From circumstances which we shall soon see, neither have left a good name in history. Most of us are the children of those who destroyed them; the leaders of our great parties are still those who were foremost in doing so: we naturally do not think well of them. But what were they? They were proprietary constituencies; they were, in truth. *higher* class constituencies,—they gave a representation to persons of greater wealth, of greater education, and presumably therefore of greater political capacity, than the mass of the nation. We have, apparently at least, the best means of judging of their effects. Being, as we have seen, the preponderant element in the electoral system, the members chosen by them were the preponderant element in the House of Commons; they were the ruling power in the state: how then did this system, so singularly and irregularly composed, in fact work? We have the general results in history; the only difficulty, and it is not a slight one, is to understand them rightly and explain them briefly.

In the first great quality of a representative government, we may say boldly that up to a late period of its existence, and with an exception or two which we shall specify, this system worked very well. The

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first requisite of a representative system is, that the representative body should represent the real public opinion of the nation; nor is this so easy a matter as some imagine, — there are nations which *have* no public opinion. The having it requires what a pedantic writer might call the *co-ordination of judgments:* some people must be recognized to be wiser than others are; in every district there must be people generally admitted by the judgment of their neighbors to have more sense, more instructed minds, more cultured judgments, than others have. Such persons will not naturally or inevitably, or in matter of fact, agree in opinion; on the contrary, they will habitually differ: great national questions will divide the nation, great parties will be formed. But the characteristic of a nation capable of public opinion is, that those parties will be *organized:* in each there will be a leader, in each there will be some looked up to and many who look up to them; the opinion of the party will be formed and suggested by the few, it will be criticized and accepted by the many. It has always been the peculiarity of the history of England, that it has been capable of a true public opinion in this its exact and proper sense. There has ever been a *structure* in English political society: every man has not walked by the light of his own eyes; the less instructed have not deemed themselves the equals of the more instructed; the many have subordinated their judgment to that of the few. They have not done so blindly, for there has always been a spirit of discussion in our very air: still they have done so, — opinions have always *settled down* from the higher classes to the lower; and in that manner, whenever the nation has been called on to decide, a decision that is really national has been formed.

On the whole, the English Constitution of the last century, in its best time, and before the occurrence of changes which we shall soon describe, gave an excellent expression to the public opinion of England.

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It gave a ruling discretion to those whom the nation at large most trusted; it provided a simple machinery for ascertaining with accuracy the decisions at which the few had arrived, and in which the mass concurred.

This Constitution was submitted to no ordinary test. We have so long outlived the contests of the last century that we have forgotten their intensity; we look on it as a very quiet time, and we contrast it with the apprehensive and changeful and anxious period in which it seems to us that we are living. Of the middle of the eighteenth century this is a true idea, at least of part of it; but the English government during the early part of the century was tried by what is probably the severest of all trials to the foundations of a hereditary and constitutional government, — by a struggle between two claimants to the throne, each of whom represented a principle. We know well the arguments of the side which has gained; but we do not always remember the moral strength of the side which lost. The Jacobites had much in their creed which appealed to the predominating principles of the English nature: a hereditary family, which claimed the crown not on arguable considerations of policy but on ascertainable claims of descent; which embodied not a speculation but a fact; which had prescription in its favor, and was in harmony with a country almost all whose other institutions were prescriptive; which had on its side the associations with the maintenance of order and the security of property, as claimants by prescription must have; which appealed to the conservative instinct, which is always so strong in a people over whom the visible world rules so much; which appealed to the loyal instincts, which have a great influence over a people in whom a strong but impressed* imagination profoundly works. Such a family must have had a singular hold on the popular attachments of England;

*Probably a slip of the pen or typographical error for "repressed." — Ed.

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history proves that they had that hold, and that they only lost England by an incapacity for action and an inherent perversity of judgment that seem to have been hereditary in the race. In the last act of the drama, during the first few years of the house of Hanover, the Stuart dynasty had still great influence in the country. They were not, indeed, in possession; and as the strength of their adherents was among the most conservative classes, they could not regain possession: but if we could fancy them by any freak of fortune to have been reinstated, there would have been incredible difficulty in expelling them once more, — possibly it could not have been done; certainly it could not have been done if the fanatical hatred of the majority of Englishmen to Popery had not co-operated with the attachment to freedom, if a sentiment which actuated the masses had not been on the same side with the convictions which influenced the few. If the hereditary heir to the crown had been once seated on the throne, and had consented to be converted or to seem to be converted to Protestantism, the chances of the Hanoverian family would have been small and feeble.

Just before the demise of Queen Anne, the prospects of the Jacobite party had much to captivate sanguine and short-sighted men. The female favorite of the Queen — the reigning favorite we may call her — was indisputably on their side; the Queen, who had the strongest motives to be decidedly opposed to them, was not so, — her suppressed inclination, perhaps her latent conscience, was in their favor; the first ministers of the Crown, if they had no "settled intention," to use Bolingbroke's distinction, had floating notions and vague "views" on the same side. In the nation at large, the inferior gentry — those of whom the Tory fox-hunter of Addison is an admirable memorial — were half Jacobite; the real clergy (the Whig historian* calls them "a curse rather than a blessing to

* Hallam.

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those over whom they were set") were more than half Jacobite; the lower class of the people—the No-Popery antipathy apart—would perhaps have inclined more to the house of Stuart than to the house of Hanover. Legitimacy is a popular title; loyalty touches the heart. The rule of a single monarch is an intelligible thing,—the least educated can and do understand it; but the rule of Parliament and the idea of a constitution are difficult to imagine,—the lower orders of people hardly ever understand them or comprehend them. The only classes over whom the attachment to the Act of Settlement, and to the Constitution such as it then existed, was really strong, were two: the higher gentry, including the nobility in that word; and the mercantile and trading classes,—the "fundholders," as the Tory squires of that age called them and fancied that they were.

It is evident that a very peculiar parliamentary constitution was required to give an expression to the real will of the nation, when the classes composing it were so divided, and when the very principle and nature of the government of the country was in dispute. What, indeed, it may be said, was the will of the country? The classes which have been specified did not agree in opinion, nor would one of them avowedly and explicitly agree to yield to the opinion of the class opposed to it. The squire would never have admitted that the fundholder was wiser than himself, nor would the fundholder have paid the least deference to the notions of the squire; the fact of the one having an opinion would rather have tended to prevent the other from adopting it. How then was a national decision—a truly national decision—possible? It was possible in this way:—The dissentient classes, as we may call those over whom Jacobitism and the extreme Toryism had the greatest influence,—the rural gentry and the rural clergy,—both yielded deference and homage, and to a certain extent confidence, to the higher gentry and the nobility, under

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whom it may be said they lived, near whose estates they were born, and who were the unquestioned heads of all the society to which they belonged. On political topics this was especially the case. Rugged prejudice of course existed, and "my lord" was not always liked; still it could not but be felt that he knew more of the world, had access to better information, had enjoyed more of what were then the rare opportunities of traveling and education, than the lower gentry had,—he possessed all the means of judging which they had, and others too. A certain deference was paid then to rank which is not paid to it now, because the inherent difference between the highest orders and others in manners and in mind was much greater than any that exist at present. A national decision was then possible, and was then attained, because the classes who were the most likely to dissent and who in reality did dissent from what the rest of the nation wished, were precisely the classes most under the control of and most likely to submit to the moral influence of those who were above them.

Such being the state of the nation in the earlier part of the last century, there was an evident difficulty in giving a just expression to it. Scarcely any of the ordinary modes of government which theorists have suggested, or which Continental nations have tried, would have succeeded in giving it. The most intelligent classes, those who were disposed to support the house of Hanover and the principles of liberty, were, as we have explained, the trading classes and the higher gentry; the class most confided in by the nation was the higher gentry and the nobility. Fortunately, the most trusted class was a portion of the most intelligent class; the chosen leaders of the country were a part at least of those whom it was best for it to choose for its leaders; the actual guides were some of the best guides who could be found. But what constitutional arrangements would be adapted to give them by law that guidance? In what manner

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could the indefinite and vague deference of the people be shaped and fashioned into a polity?

Any system of democratic suffrage, we may at once say, would have been unfitted for that end. The classes into whose hands it would have thrown the power were the lower classes, who could not be expected to have any intelligent appreciation of freedom, and in fact had none. Anything like universal suffrage would have been an enormous addition to the influence of the rural clergy and the smaller squires. These two classes, being resident in the country, being known to the lowest classes, distributing all the casual advantages which they had any chance of receiving, adjudging all the petty penalties of the local law which they had any risk of incurring, must have had preponderating influence over the rural population. They would have brought down from scattered villages and petty hamlets, regiments of voters for the Stuart dynasty, who knew nothing of the real merits of the controversy to be decided, who were utterly ignorant of the very meaning of constitutional government, who could have given no account of the very nature and structure of Parliament, but who knew that the only educated persons they ever met, the only influential persons they ever saw, — the parson of their own village and the squire of it, — had told them to do that which they were doing. We should have then seen in England that which we now see in France: the uneducated majority would have pronounced their decision, the country would have been forced to recognize it, the law would have been compelled to enforce it. Instead of living under the Constitution which we now have, we might and probably should be living under a Jacobite despotism, sanctioned by the preponderant — we might say almost by the unanimous — vote of the rural population.

It may be objected, however, that the deference which we have admitted that the rural clergy and

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the lesser squires bore to the higher gentry would have prevented this result. It may be said that although they would have by law possessed the power of influencing in the last resort the national destiny and deciding on the national constitution, they would not in practice have done so; that they would have given up their own judgments, and would have been guided by the opinions of the classes whom they knew and whom they admitted to be their superiors. But experience shows that this is an error, and that those who entertain it have a mistaken view of a very important part of human nature: if you give people uncontrolled power, — real, *bona fide*, tangible, felt power, — they will exercise it according to their own notions. Of course this is only true of classes which *have* notions. An ignorant peasantry, for example, have none: if you give them nominal political power, you do not give them anything they can understand or appreciate or use. It is not real power to them; it has none of the effectiveness of power in their hands, — it is an instrument they cannot employ to obtain any preconceived result; they are bewildered about its nature; they do not know what they are doing when they are exerting it; it is not anything they can prize and use and enjoy. But a class of gentry or clergy — a moderately educated class of any sort — is not in this position: it has views, opinions, wishes of its own. Those views may be narrow, those opinions erroneous, those wishes foolish: but they have them, they are attached to them; if power is put into their hands, they will try to carry them out in action. Under a Constitution which did not give them predominant power, the Tory squire and the Tory clergy were ready to give up their vague opinions and their floating predilections; but if they had been invested with a constitutional authority and a legislative omnipotence, they would never have given those opinions and predilections up or imagined that they could give them up, — they would have stiffened them

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into a compact creed, and tried to realize them under the despotism of the Stuarts.

It is therefore certain that no system of universal suffrage, or of very diffused and popular suffrage, would have secured the maintenance of the house of Hanover and the security of English liberty. The lower classes would themselves probably have been on the other side; and whether that be so or not, the persons who had the greatest, the surest, and the most diffused influence over them were indisputably on the other side for the most part.

It is certain, too, that no system of uniform but not universal suffrage which would have been endured by the country would have given at that time a real expression to the will of the country. As we have explained, the real opinion of the country was in accordance with the opinion of the wealthier trading and mercantile classes: they were zealous for the house of Hanover; the nation, though not zealous for it, was favorable to it. By establishing a high and uniform qualification for votes in large boroughs, and by giving a very considerable number of members to those large boroughs, it would have been possible, though it would have been difficult, to secure a Parliament with an opinion substantially in accordance with the decision of the nation. It would have been difficult, for the great towns were then few and scattered; the North of England, which now teems with them, was then a poor district not only in comparison with what it now is, but also with many parts of the South as it was at that time. Still, by such a system as we have suggested, it would have been *possible* to throw the leading authority of the nation into the hands of the large towns, and into the hands of the richer persons in those towns. In practice, however, no such constitution would have been endured: the Tory gentleman would not have endured to be put under the yoke of the "fundholder" or the manufacturer; the clergy would never have endured a

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subjection to the class among whom Dissent had the greatest hold and possibly a preponderating influence. To have attempted to place the country under the rule of the commercial classes in towns and cities would have been a greater revolution than the change of the dynasty itself; it would have shocked the prejudices of the nation at large; it never suggested itself even to those very classes themselves.

Thus all ordinary systems of suffrage bring out one or other of two results: they would *either* have thrown preponderating and conclusive power into the hands of the lesser gentry and the clergy, *or* they would have thrown an equal and similar power into the hands of the manufacturers and merchants. The first result would have been easy: England was then a predominantly agricultural country, and it would have been very easy to frame a system of suffrage which would give the ordinary squire and the ordinary clergyman — the ruling classes in agricultural society then as now — a large predominance; any system which gave what would seem in theory its due weight to the counties would have had that effect. A system might have been suggested which would have given enormous power to the large towns. But both these systems would have been inadequate to the end desired. That which gave preponderance to the ordinary landholder would have represented rather the tradition of Toryism than the present decision of the living nation. That which gave a preponderance to manufacturers and traders would have been offensive to almost all the country, it would have been unendurable by many classes of it; it would not have been in fact a government, for it could not have governed a country in which it had no root and to whose keenest prejudices it was adverse.

The system which was in fact adopted, obviated these defects. Its peculiar nature threw preponderant power into the hands of the higher gentry and the nobility: the smaller boroughs had fallen by a kind

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of necessity of nature into their hands; their influence in the counties was preponderant if not overwhelming. As we have explained, this class was the one most trusted by the nation, which was universally believed to have the greatest political intelligence, whose opinions in matter of fact were coincident with those of all the most intelligent classes. Under any other system of representation, it would not have been possible to give to this class preponderant power. It is not in the nature of any extended system of suffrage to give to a small upper class any very considerable amount of power: their numbers are few, and their votes are immeasurably outnumbered by the votes of their inferiors. It is not possible to establish in any country a system of uniform suffrage so narrow and so high as to give to this small upper class a preponderant authority in the country: it seems ridiculous in a popular government to give votes to a very few persons only; and as soon as any uniform system of suffrage is extended beyond those few, it gives decisive predominance to the many, and on that very account withdraws it from the less numerous but more educated orders.

In this way, therefore, we think it certain that in the earlier part of the last century the old system of representation, by throwing into the hands of a peculiar and influential class the predominant authority in the state, was more beneficial to the nation than a more diffused and popular system would have been. The materials for the creation of constituencies both numerous and intelligent, both well-educated and influential, did not exist. The practical choice was between an uninstructed number and a select few; our Constitution gave the preponderance to the latter: and in the great struggle between the house of Stuart and the house of Hanover — between the principle of legitimacy and the principle of freedom — the consequences were beneficial and were decisive. It not only secured the authority of a free government, but

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the ease with which it did so has disguised from us the difficulties with which it contended; the victory was so complete that the recollection of the conflict is confused.

With that struggle, however, the singular usefulness of the old system of representation certainly ended. We do not think that in the remaining part of the history of the eighteenth century, it gave at all a better expression to the national opinion than any other system would have done. Various writers have made charges against the English government on account of the wars which marked the period; but we think unjustly. On the whole, no nation of equal strength, of equal courage, and of equal pride, has ever in the history of the world pursued a course so tranquil. We were entangled in a Spanish war; we were induced by our Hanoverian connections to intermeddle unnecessarily in Germany; we were at war occasionally, as in every century we have from time to time been, with France: but none of these wars were wars of ambition. We wished when at war for national glory; we were not sorry to go to war, because we thought we might gain glory in it: but we never went to war with a distinct desire for territorial aggrandizement. We have never had in our national character any principle of aggression; we have no such settled inciting motive: on the contrary, we wish that every one shall have his own, shall retain whatever he has already by right or by prescription; though we are jealous — jealous even to slaying — of any one who by hint, allusion, or suggestion, throws a doubt upon our own title to anything which we already have. We are by nature unwilling to relinquish, though we are not desirous to acquire.

The actual government of the last century carried out these principles fairly and well; but it is probable that any other government which the English people would have borne would have done so equally. A more democratic government would perhaps have been

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more warlike, but an English democracy will probably never be very warlike: it will never engage in a continued series of intentional aggressions; least of all would it have done so in the last century, when there was no struggle in Europe which could arouse the popular passions, and no cause which could interest profoundly the popular imagination. The wars of Protestantism had passed away, and the wars of Jacobinism had not yet begun. It is possible that a more democratic government would, with its inherent aggressive instincts, have interfered somewhat more in the petty wars of circumstance and occasion which complicate the history of the last century, and make it so tedious to us now; but we did interfere a good deal in them as it was. For an aristocracy, ours has never been a pacific aristocracy: it is in many ways their boast, their pride, and their merit that they have less of the distinctive peculiarities of an aristocracy than any other which has ever existed; they claim justly to have a more popular interest and a more vigorous sympathy. The blame that attaches to them is similar: they have shown the same qualities in the defects of their government; they have had but little of the refining, calculating, diplomatic habit which usually characterizes the policy of a hereditary class that has much to lose in war and much to enjoy in peace. The English aristocracy is the most warlike of great aristocracies, and the English nation is the least warlike of free nations. Few of the many threads of union which so richly pervade our social system have been more influential than this one: we have had much of martial manliness where we should have expected but little; we have had much of apathetic indifference where we might have looked for an aggressive passion. The warmth above has been greater and that below less than a theorist would have expected; and therefore our social fabric has been more equable in temperature than we should have ventured to predict.

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In the quiet times, therefore, of the middle part of the eighteenth century, there is no particular reason for believing that our old system gave a much better or a much worse representation to the national voice than any other system might have been expected to give. In the more troubled times of the American war and the French war, there is even less reason to think that any other system would have varied much the course of our policy: we should have tried to conquer America under any government, and we should have tried to resist the aggressive proselytism of France under any government. We may form our own opinions now of the expediency, the justice, or the possibility of these attempts; we may think that the American war showed national narrow-mindedness and the French war showed national irritability: but the indubitable fact remains that both the one and the other were popular in their day, and that both were thoroughly acceptable to the community at large as well as to the aristocracy.

There is, however, great and conclusive reason to believe that during the later period of its existence the old system of representation had an inherent defect peculiar to itself, which, if it did not disqualify it altogether for giving a correct embodiment to national opinion, made it much less likely than most other systems of representation to do so perfectly. The social condition of England had undergone a series of very extensive changes between the time of the accession of the house of Hanover and the year 1832: a new world — a world of industry and manufacture — had been created; new interests had arisen, new modes of thought had been awakened, new habits of mind had been engendered. The mercantile and manufacturing classes, which had risen to influence, were naturally unrecognized by the ancient Constitution; they lived under its protection, but they were unknown to its letter; they had thoughts which it did not take account of and ideas with which it was inconsistent.

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The structure of English society was still half feudal, and its new elements were utterly unfeudal. It was impossible to subject Lancashire, such as it became, to the dominion of any aristocracy, however ancient and long-descended it might be: such rulers were not fitted for such subjects, nor were such subjects fitted for such rulers; between the two classes there was a contrast which made the higher unintelligible to the lower and the lower disagreeable to the higher. Education, moreover, was diffusing itself: the political intelligence of the aristocratic classes was no longer so superior to that of other classes as it had formerly been; the necessary means of information were more widely accessible than they had been, and were very extensively used. The contrast between the Constitution of England and England itself in consequence became day by day greater and greater, and at last became unendurable. We have not space to go into detail on this part of the subject, and it is not necessary to go into detail about it. If it had not been for the terror excited throughout Europe by the French Revolution, the old system of parliamentary representation could hardly by possibility have lasted as long as it did; in the end it passed away, and the recollection of the evils of its latter time has obscured the remembrance of its former usefulness. As we have shown, it long gave us a Parliament coincident in judgment with the nation; it maintained upon the throne the dynasty under which we live, and secured the foundations of English liberty. It long worked well, and if at last it worked ill, the excuses for its doing so were many: it had survived all that was akin to it, and was in contact with everything which was most discordant to it. A constitution which was adapted to the England of 1700 must necessarily have been unadapted to the England of 1832: changes so momentous as there had been between those years in our society required and enforced an equivalent alteration in our polity.

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Such is the general result of this long examination of our old system of representation in the main quality of a representative system, — that by which above all others it must stand or fall, — its coincidence with the *real* national opinion. We see that this is a mixed and a complicated, but not on the whole an unsatisfactory one. We will now shortly examine our old system in three other respects: Did it give a means of expression to the views of all classes? Did it secure to us really strong administrations? Did it train for us efficient statesmen? If we can in any way answer these questions, it will, we think, be admitted that we have discussed the most important part of the subject, and examined our former system of representation by the tests that are most stringent and satisfactory.

In the second requisite of the representative system, that which existed in England in the last century must be considered to have been successful: it gave a means of expression to all classes whose minds required an expression. The mercantile and trading class had not, as we have just explained, their due weight in the system of government; they did not regulate all that they should have regulated, or control all that they should have controlled: but they had always the means of expressing their sentiments. They had not, especially in the later times, a representation proportioned to their intelligence and their influence; but they always had *some* representation. The gentry were not only represented, but over-represented; especially during the closing years of the eighteenth century and the first few years of the nineteenth, their influence was unreasonably great and their despotism absolute. They ruled the country without check and without resistance; they were subject only to a weak and modified remonstrance: they had but to listen in the House of Commons to the speeches of those whom they could immeasurably outvote; they had but to quell out of doors the unrecognized murmurs

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of an unorganized multitude, which had long obeyed them, which was still ready to obey them, which did not know its own power.

With respect to the lowest class of all, the working of our own system of representation is peculiarly instructive. That system, by its letter, attempted to throw a good deal of power into their hands. In a great number of boroughs the suffrage, as we have seen, was practically all but universal; all inhabitant householders not receiving alms very frequently had votes. What is now so much desired, the representation of the working classes, then really existed: in Stafford, in Coventry, and in other places, the lowest classes were preponderant. Those classes had then the means of making their voice heard and their sentiments known in Parliament; they had some influence in the state, though they did not rule the state. In theory, our Constitution was at that time in this point perfect; as we read the description of it, we believe that nothing could be better: in practice it was a failure. The trial of the experiment demonstrated that it is useless to provide means for expressing the political thoughts of classes who have no such thoughts. The freemen of Stafford and Coventry did not send to Parliament members who really and truly expressed the opinions and sentiments of the working classes, because the working classes had no opinion on matters of legislation and administration, and had only vague ideas of what was passing in their time: for the most part they used the power which was given to them, not as an opportunity of influence but as a source of income; they did not think of it as something by which they could control the rich, but as something which they could sell to the rich. Sheridan has left an amusing document as to the constituency of Stafford:* they probably did not expect that so unbusiness-like a person should have preserved so business-like a document, but it is as follows:—

*Given in Moore's "Memoirs of Sheridan," Vol. I., Chap. ix.

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R. B. Sheridan, Esq. Expenses at the Borough of Stafford for Election anno 1784.

248 Burgesses, paid £5 5 0 each, ...						£1302	0 0
Yearly Expenses since.							
	£	*s.*	*d.*				
House-rent and taxes, ...	23	6	6				
Servant at 6*s.* per week, board wages, ...	15	12	0				
Ditto, yearly wages, ...	8	8	0				
Coals, etc., ...	10	0	0				
				57	6 6		
Ale-tickets, ...	40	0	0				
Half the member's plate, . . .	25	0	0				
Swearing young burgesses, . .	10	0	0				
Subscription to the Infirmary, .	5	5	0				
Ditto clergymen's widows, . .	2	2	0				
Ringers, ...	4	4	0				
				86	11 0		
One year, ...				143	17 6		
Multiplied by years, . . .					6		
						863	5 0
Total expense of six years' Parliament, exclusive of expense incurred during the time of election and your own annual expenses, ...						£2165	5 0

Corruption of this kind, and perhaps sometimes greater in degree, prevailed in almost every town in which the suffrage was very extended. As the wealth of the country grew, the price of votes became greater; if the old system of representation had endured till now, we can scarcely estimate how great it would by this time have become. Experience proved what our theories suggest, that the enfranchisement of the corruptible is in truth the establishment of corruption.

In one respect, however, the representation of the working classes which we formerly had in this country may be considered to have been successful. The towns in which the suffrage was practically universal at times sent to the House of Commons, not spokesmen of their own grievances but spokesmen

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of grievances in general. Sir Francis Burdett is but the type and the best known instance of a whole class of members who in former times were always ready to state any one's complaints, without much inquiry whether they were true; to bring forward a case, without much asking whether it were very well founded; to make a general declamation about the sufferings of the country which was a kind of *caveat* against abuses in general, and might be construed as a protest against any particular one which chanced to occur. Such undiscriminating and vague invectives had their use: they prevented gross instances of administrative harshness, — at least they tended to prevent them; they prevented the air of politics from becoming stagnant; they broke the monotony of class domination. But it may be questioned whether on the whole their influence was beneficial: these reckless orators had but little moral weight; they were too ready with their statements to get them trusted, they were too undiscriminating in their objections for those objections to have influence. A weak Opposition is commonly said to be more advantageous to a Government than no Opposition at all: it gives an impression to the public that all which can be said against the plans of the Cabinet has been said; it gives an impression that what is unchecked is checked, that what is uncontrolled is controlled; it diminishes the practical responsibility of an administration, by diminishing the popular conception of its power. In the same way, the vague demagogues who occasionally appeared in the old House of Commons did not weaken the substantial power of the classes that ruled there. They were "his Majesty's objectors": it was their province to say that whatever was done, was done wrong. It was not therefore of much consequence what the administration did: they were sure of its being opposed, they were sure of its being carried; and they had therefore the advantage of complete power without the odium of enforcing silence.

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A despotism disguised in this manner is perhaps more uncontrolled than any other despotism. Such, however, was the mode in which the attempt of our old system of representation to give special members to the lowest classes really operated. It failed in what may be considered its characteristic function: the ideas of the lowest classes on politics were still unheard in the legislature, because those classes had no ideas. A confused popular feeling sometimes sent popular orators to Parliament; but the kind of indiscriminate objection and monotonous invective which those orators made use of without ceasing, seem to have been rather an assistance than an obstruction to the governing classes. The lesson of the whole history indubitably is, that it is in vain to lower the level of political representation beneath the level of political capacity; that below that level you may easily give nominal power, but cannot possibly give real power; that at best you give a vague voice to an unreasoning instinct, that in general you only give the corruptible an opportunity to become corrupt.

It is often said, and commonly believed, that the old system of representation secured under almost all circumstances the existence and the continuance of what is called a strong Government; it is believed that under that system the administration of the day had almost always the power to carry any legislative measure which it deemed beneficial, and to do any executive act which it might think fit. History, however, when it is accurately reviewed, affords little or no confirmation of this idea. Many parts of the history of England during the existence of our old Constitution bear on the very face of them the most conspicuous evidence that there was then no security for the existence of a strong executive Government. Many administrations during the last century, so far from being pre-eminently powerful, were not moderately coherent. The earlier part of George III.'s reign is simply the history of a series of feeble Governments,

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which had little power to act as they intended or to legislate as they desired. The traditional notion of the strength of Governments in former times is founded upon the enormous strength of the administrations which successively directed the long struggle with France and Napoleon. The French Revolution frightened the English nation; it haunted the people of that generation so much that they could not look anywhere but they imagined that they saw the traces of it. Priestley interpreted the prophecies by means of it; Mitford wrote Grecian history by the aid of it. If its effect was so striking in the out-of-the-way parts of literature, in politics its effect might well be expected to be extreme. It *was* extreme: the English people were terrified into unity; they ceased to be divided into parliamentary sections, as their fathers were divided or as their grandchildren are now divided. The process by which the unanimity of the nation created a corresponding unanimity in the House of Commons was simple and was effectual. The noblemen and gentlemen who had the greatest influence in the counties, and a certain number of whom were proprietors of boroughs, — the class which, as we have seen, had a despotic control over the House of Commons as it then was, — felt the antipathy to French principles as much as any other class; perhaps they did not feel it more — though some persons have thought they did — than the rest of the nation, but they undoubtedly did not feel it less. The Parliament was as united in its dislike to Jacobinism and in its resistance to Napoleon as the nation was, and it could not be more so. The large majorities, therefore, of the administrations of Mr. Pitt and Lord Liverpool are not attributable to any peculiar excellence in the parliamentary Constitution of that period; any tolerable system of parliamentary representation would equally have produced them: the country was too united for even an approximate representation of it not to be so.

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It is undoubtedly, however, believed by very many persons that the old system of representation contained a peculiar machinery for securing the strength of the executive. This theory, it has been well observed, constituted "the esoteric doctrine of the Tory party." "The celebrated question asked by the Duke of Wellington, 'How is the king's government to be carried on if the bill passes?' which has since received a practical answer, indicates without concealment the real view of English government entertained by him and his party: they held that if the majority of the House of Commons consisted of persons not nominated by great borough proprietors, but freely chosen by genuine popular election, the government could not be carried on; they believed it to be necessary that a Government should repose upon an immovable phalanx of members for close boroughs, and that the members returned for open seats should be a minority who would confine themselves to criticizing the Government in their speeches, without being able to shake its stability by their votes."* In this conception there was indeed an obvious difficulty: it provided that a large majority in Parliament should be always maintained by the close union of the members for the smaller boroughs, but who was to keep those members themselves united? They represented only the proprietors of their respective seats, and who was to keep either them or those proprietors always of one mind? If the nation at large was divided, why should not these persons partake of the division? The advocates of this theory had a ready answer: they said that the proprietors of the boroughs and the members for them were to be kept on the side of the Government by means of the patronage of the Government; they thought that places should be offered to the borough owners and to the borough members for their friends and for themselves, and that in this way they might be kept united and be always induced

* *Edinburgh Review*, January, 1859 [article "Parliamentary Reform"].

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to support the administration. This theory was not a theory merely: it was reduced to practice by several Prime Ministers,—by the Duke of Newcastle, by Sir Robert Walpole, and by others. Those who tried it had undoubtedly a great advantage: they had the materials that were needful,—they had the patronage. We have no space to inquire how the establishments of the last century came to be so cumbrous; but most cumbrous they were. We are amazed nowadays at the names of the old sinecures, at the number of half-useless places, at what seems the childish lavishness of the public offices; but this profusion, though not perhaps created for a purpose, was used for a purpose. Old feudal offices, which had once served to mark the favor or the gratitude of the Crown, were employed as a kind of purchase money to buy the adhesion of parliamentary proprietors; peerages, too, were used to the same end: all the available resources of the age were in truth concentrated upon it. In part this consistent exertion of very great means of influence was effectual,—sometimes it really did make a Government strong; and some writers, who have not duly weighed the facts of history, have believed that it always must do so: but there are in its very nature three fundamental defects, which must always hinder its working for a long period with constant efficiency.

In the first place, the theory of this machinery is that the patronage of the Crown is to be used to purchase votes; but *who* is to use the patronage? The theory assumes that it is to be used by the minister of the day; according to it, the head of the party which is predominant in Parliament is to employ the patronage of the Crown for the purpose of confirming that predominance. But suppose that the Crown chooses to object to this; suppose that the king for the time being should say, "This patronage is mine; the places in question are places in my service; the pensions in question are pensions from me: I will

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myself have at least some share in the influence that is acquired by the conferring of those pensions and the distribution of those places"? George III. actually did say this. He was a king in one respect among a thousand,—he was willing to do the work of a Secretary of the Treasury: his letters for very many years are filled with the petty details of patronage; he directed who should have what, and stipulated who should not have anything. This interference of the king must evidently in theory, and did certainly in fact, destroy the efficiency of the alleged expedient: very much of the patronage of the Crown went not to the adherents of the Prime Minister because they were his adherents, but to the king's friends because they were his friends. Many writers have been very severe on George III. for taking the course which he did take, and have frequently repeated the well-known maxims which show that what he did was a deviation from the Constitution: very likely it was, but what is the use of a constitution which takes no account of the ordinary motives of human nature? It was inevitable that an ambitious king, who had industry enough to act as he did, would so act. Let us consider his position. He was invested with authority which was apparently great. He was surrounded by noblemen and gentlemen who passed their life in paying him homage and in professing perhaps excessive doctrines of loyal obedience to him. When the Duke of Devonshire or the Duke of Bedford or the Duke of Newcastle approached the royal closet, they implied by words and manners that the king had immeasurably more power than they had: in fact it was expected that he should have immeasurably less; it was expected that though these noblemen daily acknowledged that he was their superior, he should constantly act as if he were their inferior. The Prime Minister was in reality appointed by them, and it was expected that the king should do what the Prime Minister told him: that he should assent to measures on which he was

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not consulted; that he should make peace when Mr. Grenville said peace was right, that he should make war whenever Mr. Grenville said war was right; that he should allow the offices of his household and the dignities of his court to be used as a means for the support of Cabinets whose members he disliked and whose policy he disapproved of. It is evident that no man who was not imbecile would be content with such a position. It is not difficult to bear to be without power, it is not very difficult to bear to have only the mockery of power: but it is unbearable to have real power and to be told that you must content yourself with the mockery of it; it is unendurable to have in your hands an effectual instrument of substantial influence and also to act day by day as a pageant without any influence whatever. Human nature has never endured this, and we may be quite sure that it never will endure it. It is a fundamental error in the "esoteric theory" of the Tory party that it assumed the king and the Prime Minister to be always of the same mind, while they often were of different minds.

A still more remarkable defect in the so-called strength procured under the old system of representation by the use of patronage was the *instability* of that strength: it especially failed at the moment at which it was especially wanted. A majority in Parliament which is united by a sincere opinion, and is combined to carry out that opinion, is in some sense secure: as long as that opinion is unchanged it will remain; it can only be destroyed by weakening the conviction which binds it together. A majority which is obtained by the employment of patronage is very different: it is combined mainly by *an expectation.* Sir Robert Walpole, the great master in the art of dispensing patronage, defined gratitude as an anticipation of future favors: he meant that the majority which maintained his administration was collected not by recollection but by hope; they thought not so

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much of favors which were past as of favors which were to come. At a critical moment this bond of union was ordinarily weak: if the minister of the day should fail he would confer favors no longer; the patronage that was coveted would pass into the gift of the minister who succeeded him. The expectation upon which a minister's strength under the old system of representation was based, varied therefore with the probability that he would succeed. It was most potent when it was certain that the minister would be victorious; it was weak and hesitating when it was dubious whether he might not be beaten and retire. In other words, that source of strength was prolific when it was not wanted; when it was wanted, it was scarcely perceptible. In a time of doubt and difficulty every member of such a majority inevitably distrusted his neighbor: if others deserted the Government, his support would be useless to the minister and pernicious to himself; a man who wanted places would wish to support, not the administration which was about to go out but the administration which was just coming in. A curious example of this tendency is preserved in the "Memoirs of Lord Rockingham":— "'I will go through,' said the Duke of Newcastle, the minister who was just going out,—'I will go through the elections as well as I can, and endeavor to see what they (the Court) really intend. I think it is too late for them to do any mischief. They may be disagreeable, and defeat some of our friends, and act directly contrary to what they promised: but they can't now alter the tone and complexion of the new Parliament; that is all settled, and so far my staying in to this time has been of use.' On the above letter the second Lord Hardwicke has made the following remark:—'Notwithstanding the choice of the Parliament, which the Duke of Newcastle piques himself upon, they forsook him for Lord Bute when his standard was set up.'"* Lord Bute was of course the

*Vol. i., Chap. iii.

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minister who was about to come in, and who after a very brief interval did come in. In like manner, much of the strength of Sir Robert Walpole passed to Mr. Pelham, and Mr. Addington succeeded to much of Mr. Pitt's. In these cases, as soon as it became pretty clear that the minister of the day would soon cease to be such, almost all the parliamentary following, which was procured by the expectation of receiving from him places and pensions very rapidly melted away.

It was of course still more certain that when the minister of the day had really ceased to be minister, and was not likely to return, no one thought much about him. The power that was gained by the use of patronage was not only unstable in the popular sense of being weak and easily overthrown, but it was unstable also in the peculiar sense in which the mathematicians use that word, for when overthrown it was very difficult to set it up again; it had not any intrinsic tendency to return of itself to the state of equilibrium. The best example of this is to be found in one of the features of the old system of representation which is most frequently regarded as strengthening the Government. There were certain boroughs called Treasury boroughs, in which there were dock-yards or other government establishments, and in which the administration for the time being had as such a predominant influence; these boroughs insured the minister who was in power at each parliamentary election some sixteen votes. But the singular insecurity of such a source of strength is very clear: the existence of it was a premium upon dissolutions; a new administration could certainly count in a new Parliament on diminishing their adversaries' strength by a considerable number of votes, and on augmenting their own strength by the same number of votes also. When parties were equally divided, such a foundation of power could not but be weak. A minister might possess it to-day; but if his adversary should come

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in and dissolve, it would cease to aid him and begin to aid that adversary.*

This characteristic instability of a majority procured by patronage inevitably weakened the confidence of a Prime Minister in a struggle with the Crown. Theoretical writers have often blamed the successive Prime Ministers of George III. for permitting him to interfere with the distribution of what was by the ordinary theory of the Constitution their patronage; but they could not help it. The king had at critical moments the power of saying who should be minister; he could at least, in times when the divisions were close and the Government was weak, at any moment transfer the *purchasing power* from the head of the administration to the leader of the Opposition. It was in consequence impossible for any minister on dubious occasions to refuse the king a share in the patronage: if he did not concede some of it he would in all likelihood lose the whole of it.

A third inherent defect in the administrative strength obtained by the use of patronage is its certain unpopularity. Mankind call it corruption. Refined reasoners may prove or fancy they prove that

* The following is the list given [by Oldfield, Vol. vi.] of the Government boroughs: —

Treasury.		
Dartmouth,	2	
Dover,	1	
Harwich,	2	
Hythe,	2	
Windsor,	1	
Hampshire,	2	
Yarmouth (Norfolk),	1	
	—	11
Admiralty.		
Queenborough,	1	
Rochester,	1	
Sandwich,	2	
	—	4
Ordnance.		
Queenborough,		1
Total number of members returned by Government in England and Wales only,		16

The whole representation of Scotland was in much the same position.

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it is desirable; they may demonstrate that it is possibly in some degree inevitable: but they will never induce ordinary men to like it. Of all governments it is the least impressive to the popular imagination: it seems not only to have vice for its adjunct, but vice for its principle. All governments are feeble which cannot appeal with confidence to the moral instincts of their subjects; but it appears almost impudent in this one to attempt to do so,—it exists because it has successfully applied bad motives to men susceptible of bad motives. As the secret of its power appears to be base, it loses its hold over the loyalty of mankind. We have seen this exemplified in a conspicuous instance in France: the monarchy of Louis Philippe was weak because it was believed to be maintained by bribery and to be supported from immoral motives. The same cause long weakened and was at last the chief agent in destroying the long, prosperous, and able ministry of Sir Robert Walpole. It was to no purpose that he governed well; it was to no purpose that he administered general affairs consummately or that he regulated the finances wisely; it was to no purpose that he showed that those who opposed him were impelled to do so by very mean motives: no defensive considerations availed him. It was believed that his Government was maintained by corruption; and a kind of disgust gradually grew up towards it, long impaired and at length annihilated it. Every Government under the old system of representation that continued long in office was sure to contract this stain: that of Lord Liverpool did not escape it. There were sure to be some instances of misapplied patronage, which inevitably incurred the censure and irritated the feelings of thinking men. This unpopularity is a source of more continued weakness to a government than would be at first sight imagined. It might be thought that an administration with plenty of votes would have plenty of courage; but it is not so. A certain timidity belongs to all oligarchies, and

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to an unpopular oligarchy — to an oligarchy that is believed to rest upon corruption — above all; it is timid at every outcry, and it yields whenever it can. In the plenitude of power Sir Robert Walpole did not press his excise scheme, though it was a wise one and though he was sure that it was so: he felt that at a crisis he was weak, that the popular odium was not compensated by parliamentary support. Make what refined devices we may, in every free government any strong opinion that possesses the multitude will be powerful; it will not be least powerful where the government is conscious that it rests upon a basis which is odious to common men, and which therefore shuns a popular scrutiny.

For these reasons, therefore, we think, when the subject is accurately examined, the supposed strength which the administrations of the last century are commonly said to have derived from the employment of patronage was a strength rather seeming than substantial. It added to the strength of administrations otherwise strong, and that did not need it; but it was not in its nature to strengthen those which were weak, or to aid, as it is sometimes believed to have aided, tottering administrations in a fatal division.

But even for this strength, such as it was, the people of the last century paid a very heavy price: they purchased it by the almost total sacrifice of efficiency in administration. We can hardly at the present day conceive how utterly feeble that administration formerly was, nor have we space to go into the details of the subject. But one test on the subject may be easily used, — we mean the test of success. Our administrative system was subjected in the last century to three of the most searching tests of efficiency: it was tried by a prolonged riot in the capital, by a rebellion within the island, by the resistance of our greatest colonies. If any events can bring out the latent vigor of an administration, these would probably bring it out; they did not, however,

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do so. We all know the utter feebleness and miserable inefficiency with which the mobs of 1780 were resisted, if resistance it can be called; we know that London was then almost as much at the mercy of its worst inhabitants as Paris has ever been: but it is not so generally known that similar events nearly as bad, though not quite as bad, had happened before —but they did happen. In Hume's correspondence there is a curious description of the riots of 1765:—

"Another very extraordinary event is the riot which the silk-weavers have made for some days past. They got a bill passed in the House of Commons to prevent more effectually the importation of foreign silks, which the Duke of Bedford threw out in the House of Lords. The next day, above ten thousand of these people came down to the House, desiring redress, with drums beating and colors flying. They attacked the Duke of Bedford in his chariot, and threw so large a stone at him that if he had not put out his hand, and saved his head by having his thumb cut to the bone, he must have been killed. He behaved with great resolution, and got free of them; since which time he has remained blockaded in his own house and defended by the troops. Yesterday the same number of weavers assembled again at the House of Lords, where the horse and foot guards were to secure the entry for the peers. The mob were ranged before the soldiers, and their colors were playing in the faces of his Majesty's troops. The degree of security with which these people commit felony seems to me the most formidable circumstance in the whole: they carry in their whole deportment so much tranquillity and ease, that they do not seem apprised of the illegality of their proceedings. It is really serious to see the legislature of this country intimidated by such a rabble; and to see the House of Lords send for Justice Fielding, to hear him prove for how many reasons he ought not to do his duty. The Duke of Bedford is still in danger of his life if he goes out of his house; and we expect to see the same number of people assembled every day, till something more vigorous is done than any one has yet chosen to propose. The spirit of robbing has gone forth in this nation to a degree that we have not experienced this century past, and it will not be found so easy a matter to quell it."*

No description can be more graphic of the weakness of a feeble administration, unmoved by evident

* "Letters of Eminent Persons to David Hume," edited by John Hill Burton, pages 55, 56.

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danger. We need not dwell on the other instances of inefficiency to which we have alluded. In 1745 the administration of the day — a divided and discordant administration, it is true — permitted a small body of half-disciplined Highlanders to advance into the center of England; so imperfect were their arrangements that some good judges of evidence have thought that if Charles Edward had pushed on towards London, he might have succeeded in taking it. The war with our North-American colonies was conducted with as little wisdom and energy, — it could not be with less: the whole strength of the empire was never put forth, and historians have often wondered at the series of petty expeditions and inconclusive conflicts with which so great a country as England endeavored to reduce so great a country as America. Lord North's Government was perhaps somewhat feebler than many of the Governments of the last century; but even if so, it is only because it exhibits the characteristic defects belonging to them all in a conspicuous and aggravated form. It was not exceptionally inefficient, but characteristically inefficient.

The explanation of this inefficiency is simple, it was caused by the abuse of patronage; or rather, to speak the language of the old Tory theory, by *the use* of it to bribe members of Parliament and proprietors of boroughs. George II. is reported to have said to Sir Robert Walpole, "I won't have my army jobbed away for your members: it sha'n't be." It had been, however; and the state of the English army at the commencement of the long war with France is a conclusive proof of it. Burke, in his speech on economical reform, has explained this point with more humor than is usual with him.

"There was another disaster far more doleful than this. I shall state it, as the cause of that misfortune lies at the bottom of almost all our prodigality. Lord Talbot attempted to reform the kitchen; but such, as he well observed, is the consequence of having duty done by one person whilst another enjoys the emoluments, that he found

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himself frustrated in all his designs. On that rock his whole adventure split, his whole scheme of economy was dashed to pieces; his department became more expensive than ever; the Civil List debt accumulated, — why? It was truly from a cause which, though perfectly adequate to the effect, one would not have instantly guessed, — it was because *the turnspit in the king's kitchen was a member of Parliament.** The king's domestic servants were all undone, his tradesmen remained unpaid and became bankrupt, — *because the turnspit of the king's kitchen was a member of Parliament.* His Majesty's slumbers were interrupted, his pillow was stuffed with thorns, and his peace of mind entirely broken, — *because the king's turnspit was a member of Parliament.* The judges were unpaid, the justice of the kingdom bent and gave way, the foreign ministers remained inactive and unprovided, the system of Europe was dissolved, the chain of our alliances was broken, all the wheels of government at home and abroad were stopped, — *because the king's turnspit was a member of Parliament.*"

The efficiency of the public offices was sacrificed in order that the best posts in them might be better used as parliamentary purchase money. It would have been a heavy price to pay, even for a Government that was really strong.

It is curious that though under our old Constitution so heavy a price was paid for parliamentary support, and so little support was at critical moments obtained for that price, the Governments of that day did very little with the strength which they so bought after they had bought it. We nowadays consider that the first use which a Prime Minister will make of a large majority is to legislate with it; in the last century men did not think so. Lord John Russell justly said in the House of Commons that there was no statute, no act of legislation which we can connect with or can trace to Lord Chatham, who was the most celebrated minister of England during the last century. There have been a greater number of important Acts of Parliament passed in the last twenty years than in the previous hundred and twenty. The

* *Vide* Lord Talbot's speech, in Almon's "Parliamentary Register," Vol. vii., page 79, of the proceedings of the Lords.

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people of England a hundred years ago, and their Parliament also, were habitually satisfied with their existing institutions: they did not care to abolish any of these or to introduce any new ones. Accordingly, when the minister at that time had bought his majority, he had nothing to do with it except to keep himself minister.

On the whole, therefore, we do not think that our old system of representation is entitled to the credit which it has often received for causing and maintaining strong administrations. The ingenious devices which it contained seem to us to have failed whenever they were really wanted; and we conclude, from the entire history of the last century, that Governments were then only strong when public opinion was definite and decided, and when that is so they will be strong now.

The only one of our questions as to our old system of representation that is still unanswered is, What was the degree of its suitability for training and developing statesmen? Lord Macaulay has in more than one part of his writings* expressed a doubt whether all representative systems are not in this respect defective. They require, he says, that an influential statesman should be an orator, and especially a ready and debating orator; and this, he considers, is inexpedient. He appears to believe both that the practice of debating injures the intellect, and that the conviction of its necessity makes a statesman prize and practice qualities which are not essential to his true calling in preference to those which really are so. He believes that the statesman is induced to think more of the House of Commons, and of the effect which his measures would produce there, than is desirable; and also that the habit of defending those measures by very questionable arguments disorganizes the intellect of a statesman, and renders it much less fit than it would otherwise be for the

*See especially the life of the younger Pitt and review of Gladstone.— ED.

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investigation of important truths. There is doubtless some truth in these ideas: the practical working of a representative government often tends to produce these hurtful effects upon the minds of the statesmen who are eminent under it. And not only so: all free governments are to some extent unfavorable to much originality of mind in their influential statesmen. They necessitate an appeal to the people, and the mind of the people is almost by definition ordinary and commonplace; the opinions of the majority of mankind necessarily partake of these qualities, and those who have to please that majority must in all ages, to some extent, cultivate them. And these are serious disadvantages. But on the other hand, it may be fairly believed that no system which has yet been devised secures for the most eminent statesmen in a nation so large a number of great qualities as are necessary for the Prime Minister under a well-developed system of parliamentary government. It is true that a man who is eminent in that position may not be in the least eminent in abstract or original reflection; it is possible that he may be beneath the average capacity of men in that respect: but on the other hand, this defect is not peculiar to a parliamentary system of government,—no device has yet been suggested for securing the supremacy in the state to persons capable of original thought. A Prime Minister under a parliamentary constitution must have a very great number of other great qualities. He must be a man of business long trained in great affairs; he must be, if not a great orator, a great explainer,—he must be able to expound with perspicuity, to a mixed assembly, complicated measures and involved transactions; he must be a great party leader, and have the knowledge of men, the easy use of men, and the miscellaneous sagacity which such eminence necessarily implies; he must be a ready man, a managing man, and an intelligible man: and under no other system of government with which we are acquainted

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is there any security that all these or an equal number of other important qualities will constantly be found in the ruler of a nation. All these qualities the system of representation which existed in England during the last century secured to the utmost. We might easily run over the names of the eminent statesmen whom it produced, but it is needless: we know that they were eminent and we know that they were many.

A claim has often been made on behalf of the old close boroughs that the number and the greatness of these statesmen is due to them. A very long list of the names of the statesmen who were brought into Parliament during the last century by those boroughs is set forth, and it is alleged that the excellence of these great statesmen was a conspicuous advantage which resulted from the machinery that introduced them to public life. But to this argument there will be found, when the subject is narrowly examined, to be several important qualifications.

In the first place, a great number of remarkable men undoubtedly came into Parliament under the old system of representation by means of the close boroughs, simply and solely because that was at that time the readiest and simplest mode of coming in; if any other mode had been the readiest, they would have availed themselves of that instead. Take the case of Sir Robert Walpole: had any man that ever lived more of the qualities, the good and the bad qualities, of a great popular candidate? He was genial, sagacious, and unsensitive; he would have managed the mob and managed the attorney and managed the electors better almost than any other of our remarkable statesmen: yet he came in for a close borough. Circumstances threw that mode of entering public life into his path, and he took advantage of it immediately; but if the system of representation then prevailing in England had been a different one, he would have taken advantage of that also. We must

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not give the close boroughs a peculiar credit for all the eminent statesmen who entered into the House of Commons by means of them, but only for such of the great statesmen as, from the nature of their mind and the peculiarity of their circumstances, would most likely not have entered Parliament in any other way; and these are not many.

This is one great qualification. A still more important one remains: a great number of able men came into Parliament formerly who do not appear there now, because there was a motive to enter it at that time which does not now exist. Public life was in the last century not only a career, but a livelihood; it was possible to make a subsistence, and even a fortune, by it. Take the case of the first Lord Liverpool. He was a man of no extraordinary genius or unequaled abilities; he was simply a man of plain, strong, ordinary understanding; he had good sense and good habits of business. He had no qualities which a very great number of young men in every generation may not be sure that they have; nevertheless, he began life with scarcely any money, he passed a long life in the service of the state, he lived in affluence, and he provided amply for his family. The possibility of such a career could not but render public life in the highest degree attractive. Fortune as well as fame were, it was evident, to be obtained in it by sound abilities and good management. In consequence, a very great number of young men were glad to enter Parliament; and if the same incentives had been continued to the present day, when education is so much more general and social advantages so much more diffused, it is difficult to say how much that number might not have been by this time augmented. If the places and pensions, the patent offices and the sinecures, from which the profitableness of public life was derived, were still in existence, very many of the ablest, the most cultivated, and the most interesting young men in every generation would be

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desirous to enter Parliament. They would throng any avenue which was open for their purpose; they would address, and perhaps not unsuccessfully, the electors of boroughs, whether small or large; they would attempt to gain a share of our county representation, exclusive as that still in some degree is. We perhaps are not likely to see again in England a time when public life will afford the means of subsistence as well as the opportunities of ambition. We do not on the whole regret the change that has taken place; we do not say that it should be lamented: but it has its disadvantages. The public cannot expect to be so well served by its statesmen now that it is served gratuitously as it was when it paid highly for their services. Instead of the number of remarkable statesmen who were introduced into the House of Commons by means of the close boroughs being so great as to excite our wonder, we may rather be surprised that it was not greater. The incentives to a public career were then so strong that we may wonder that more remarkable persons did not enter upon it. The close boroughs must have been almost as much an impediment as an aid, or the number of statesmen attracted in the last century to the service of the nation must have been much larger than in fact it was.

Such was in part the case. The close boroughs did not, in truth, introduce conscientious and scrupulous men to an attractive position in public life. The position of a member nominated to the representation of a close borough by its proprietor was a position of dependence: he was an employee; he had to vote as often as, and just as, the owner of the borough told him, — if he did not do so, he might at the next election be excluded entirely from public life, or be obliged to search through the list of the borough owners for a new patron. Even when the member for a close borough was permitted to exercise his own judgment, the public would scarcely believe that he was so:

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they attributed all which he did to the influence of the proprietor of his seat; and if there chanced to be an apparent difference of opinion, they were more disposed to attribute some sinister design to the owner of the borough than any substantial independence to the member for it. The votes of a nominated member were not regarded as his own, even when in fact they were so. As we might expect, persons of high character and sensitive nature shrank from this dependence. They could not endure that it should be said that they had no control over the course which they adopted in politics; the possibility of the supposition that they must vote according to the edict of some one else was nearly as odious as the having so to vote. A curious example of this inevitable tendency in men of high and susceptible natures may be found in the life of Sir Samuel Romilly: he avowedly preferred the purchase of a seat to a position in which he might be imagined to be dependent; he preferred to be the member for a borough which was publicly known to be commonly venal, to being the member for a borough of which a nobleman or gentleman who took a genuine interest in politics was the proprietor; he preferred its being known that he had bought his seat,* to the possibility of a suspicion that he held it upon a tenure of base service. In very many cases which cannot now be known by us, an analogous feeling must have prevented shrinking and delicate men from occupying the seats for rotten boroughs, or from associating with the great noblemen who owned them. Aristocratic patronage is never very pleasant to men of this character; and it is unendurable to them that such patronage should be the basis of their career and an essential prerequisite to [their*] habitual life. Exceptional instances apart, the close boroughs were rather an obstruction than an opening to persons of original minds and delicate dispositions.

Nor was it natural that the owners of boroughs should commonly desire to introduce such men. If

* *Review*, better. — ED.

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these proprietors had views of their own, they selected men who would give effect to those views; and these would ordinarily be men of pliant characters and unsuggestive intellects. If such proprietors had no opinion, they ordinarily put the seat up to auction in the market and got as much money as they could get for it. Nor, in the few cases in which noblemen introduced men of the highest order of minds into Parliament, and in which they treated them with tenderness and delicacy, were they by any means disposed to admit them to an equality with themselves or with the near connections of great families. They reserved high office as much as possible for themselves, and for those who mingled by right of birth in their own society; and believed that they had done much in giving the opportunity of a public career and the profit of a minor place to able men of humbler station whom they had brought into the House of Commons. The Rockingham party, the best party that ever was composed of the associated proprietors of close boroughs, thus treated Mr. Burke, who was the greatest man who ever sat for a close borough. We cannot but be indignant at such conduct; we cannot help saying that it showed high-bred exclusiveness and aristocratic narrowness of mind: but we also cannot help perceiving that it was natural. The same thing would be sure to happen again in any similar circumstances. The owners of seats inevitably believed that they were theirs; that they, and that men of their family and their station, had an evident right to enjoy whatever was most desirable in the consequences of them: they believed that they had a right to their own and to all it produced. Historians may lament that Lord John Cavendish was preferred to Mr. Burke; but if the old system of representation were once more established, a similar phenomenon would happen again,—the near connections of the large proprietors of parliamentary property would again be preferred by those proprietors to all others.

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The universal tendencies of human nature insure that it should be so.

On the other hand, although the close boroughs did not aid men of able minds and sensitive natures in the entrance to public life, they did aid men of able minds and coarse natures. The latter were willing to be dependents and were able to be serviceable dependents; they were inclined to be slaves and were able to be useful slaves. The pecuniary profits derivable from a public career, the places and pensions open to and readily obtainable by an able public man, brought a large number of such men into Parliament. We need not cite many instances, for the fact is evident: the entire history of the last century is full of such men as Mr. Rigby, as the first Lord Holland, as Bubb Dodington. The suspicion of dependence and the reality of aristocratic patronage were easily endured by men of covetous dispositions and vulgar characters: they only desired to have as much as possible of whatever profits were obtainable; and whatsoever the path to great profits might be, that was the road for them. And independently of these extreme cases, the close boroughs tended to fill the House of Commons with men of commonplace opinions and yielding characters, who accepted the creed of their patrons very easily, and without—in all ordinary cases—any conscious suppression of their own; their preferences were so languid that they were not conscious of relinquishing them. The facile flexibility of decorous mediocrity is one of the most obvious facts of human nature; and it is one of the most valuable facts, for without it the requisite union of great political parties would scarcely be attainable.

Such and so great seem to us the deductions which are to be made from the common belief that the close boroughs tended to open the House of Commons to men of original minds and refined dispositions. They are so great as to make it dubious whether that observation has even a nucleus of truth; they

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indisputably show that in its ordinary form it is an extreme exaggeration, and they suggest a doubt whether as much or more may not be said for the very opposite of it.

We have now, therefore, completed our long investigation. We have inquired whether our old system of parliamentary representation did or did not give us a Parliament substantially accordant with the true public opinion of the English nation; whether it gave to all classes who had political ideas to express, the means of expressing them; [whether it had any peculiar tendency to insure to us a succession of strong administrations;*] whether it had any peculiar tendency to produce great and original statesmen. What, then, are the results which we have learned from this investigation? What are the lessons which this remarkable history, when it is examined, tends to teach us?

First, we should learn from it to distrust complicated expedients for making strong administrations, and refined expedients for producing wise and able statesmen. The sole security upon which we can depend for a strong government is a consistent union in the nation: if we have that, we shall have a strong government under any tolerable parliamentary system; and if we have not that, we shall not have under any a really strong government on ordinary occasions. The true security for having a sufficient supply of good statesmen is to maintain a sufficient supply of good constituencies. We need not regret the rotten boroughs, if we have instead of them an adequate number of tolerably educated and not too numerous constituencies, in which the great majority of the voters are reasonably independent and tolerably incorrupt. There is nothing in either of these two respects very valuable in our old system of representation: it did not secure to us an unusual number of

*_Review_; its omission in the reprint is probably a printer's error. — Ed.

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coherent and powerful administrations; it did not of itself give us an exceptionally great number of able and honest statesmen.

Secondly, we should learn from the history of the last century that it is perfectly idle to attempt to give political power to persons who have no political capacity, who are not intellectual enough to form opinions or who are not high-minded enough to act on those opinions. This proposition is admitted in words, — everybody says it is a truism; but is it admitted in reality? Do not all the ordinary plans for a uniform extension of the suffrage practically deny it? Will not their inevitable effect be, in the smaller and poorer boroughs at least, to throw or to attempt to throw much power into the hands of the voters who are sure to be ignorant, and who are almost sure to be corrupt?

Lastly, the events of the earlier part of the last century show us — demonstrate, we may say, to us — the necessity of retaining a very great share of power in the hands of the wealthier and more instructed classes, of the real rulers of public opinion. We have seen that we owe the security of our present constitutional freedom to the possession by these classes of that power. We have learned that under a more democratic system the house of Stuart might have been still upon the throne, — that the will of the numerical majority in the nation would probably have placed it there and would probably have kept it there; that the close boroughs of former times gave, in an indirect form and in an objectionable manner, the requisite influence to the instructed classes: and we must infer, therefore, that we should be very cautious how we now proceed to found a new system without any equivalent provision, and with no counterbalancing weight to the scanty intelligence of very ordinary persons and to the unbridled passions of the multitude.

If we duly estimate the significance of these conclusions, we shall perhaps think that to have been once

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more reminded of them, at a critical instant, is a result of sufficient significance to justify this protracted investigation, and an adequate apology for the detail which has been necessary to render it intelligible.

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PHYSICS AND POLITICS.

No. I.

THE PRELIMINARY AGE.

ONE peculiarity of this age is the sudden acquisition of much physical knowledge. There is scarcely a department of science or art which is the same, or at all the same, as it was fifty years ago. A new world of inventions — of railways and of telegraphs — has grown up around us which we cannot help seeing; a new world of ideas is in the air and affects us, though we do not see it. A full estimate of these effects would require a great book, and I am sure I could not write it; but I think I may usefully, in a few papers, show how upon one or two great points the new ideas are modifying two old sciences, — politics and political economy. Even upon these points my ideas must be incomplete, for the subject is novel; but at any rate I may suggest some conclusions, and so show what is requisite even if I do not supply it.

If we wanted to describe one of the most marked results — perhaps the most marked result — of late thought, we should say that by it everything is made "an antiquity." When in former times our ancestors thought of an antiquarian, they described him as occupied with coins and medals and Druids' stones, — these were then the characteristic records of the decipherable past, and it was with these that decipherers busied themselves; but now there are other relics, — indeed, all matter is become such. Science tries to find in each bit of earth the record of the causes

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which made it precisely what it is: those forces have left their trace, she knows, as much as the tact and hand of the artist left their mark on a classical gem. It would be tedious (and it is not in my way) to reckon up the ingenious questionings by which geology has made part of the earth, at least, tell part of its tale; and the answers would have been meaningless if physiology and conchology and a hundred similar sciences had not brought their aid. Such subsidiary sciences are to the decipherer of the present day what old languages were to the antiquary of other days: they construe for him the words which he discovers, they give a richness and a truth-like complexity to the picture which he paints, even in cases where the particular detail they tell is not much. But what here concerns me is, that man himself has to the eye of science become "an antiquity": she tries to read, is beginning to read, knows she ought to read, in the frame of each man the result of a whole history of all his life, of what he is and what makes him so; of all his forefathers, of what they were and of what made them so. Each nerve has a sort of memory of its past life, — is trained or not trained, dulled or quickened, as the case may be; each feature is shaped and characterized, or left loose and meaningless, as may happen; each hand is marked with its trade and life, subdued to what it works in: *if we could but see it.*

It may be answered that in this there is nothing new; that we always knew how much a man's past modified a man's future; that we all knew how much a man is apt to be like his ancestors; that the existence of national character is the greatest commonplace in the world; that when a philosopher cannot account for anything in any other manner, he boldly ascribes it to an occult quality in some race. But what physical science does, is, not to discover the hereditary element, but to render it distinct, — to give us an accurate conception of what we may expect

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and a good account of the evidence by which we are led to expect it. Let us see what that science teaches on the subject; and as far as may be, I will give it in the words of those who have made it a professional study, both that I may be more sure to state it rightly and vividly, and because — as I am about to apply these principles to subjects which are my own pursuit — I would rather have it quite clear that I have not made my premises to suit my own conclusions.

First, then, as respects the individual, we learn as follows: —

"Even while the cerebral hemispheres are entire and in full possession of their powers, the brain gives rise to actions which are as completely reflex as those of the spinal cord.

"When the eyelids wink at a flash of light or a threatened blow, a reflex action takes place in which the afferent nerves are the optic, the efferent the facial. When a bad smell causes a grimace, there is a reflex action through the same motor nerve, while the olfactory nerves constitute the afferent channels. In these cases, therefore, reflex action must be effected through the brain, all the nerves involved being cerebral.

"When the whole body starts at a loud noise, the afferent auditory nerve gives rise to an impulse which passes to the medulla oblongata, and thence affects the great majority of the motor nerves of the body.

"It may be said that these are mere mechanical actions, and have nothing to do with the acts which we associate with intelligence. But let us consider what takes place in such an act as reading aloud: in this case the whole attention of the mind is — or ought to be — bent upon the subject-matter of the book, while a multitude of most delicate muscular actions are going on of which the reader is not in the slightest degree aware. Thus, the book is held in the hand at the right distance from the eyes; the eyes are moved from side to side, over the lines, and up and down the pages; further, the most delicately adjusted and rapid movements of the muscles of the lips, tongue, and throat, of laryngeal and respiratory muscles, are involved in the production of speech; perhaps the reader is standing up and accompanying the lecture with appropriate gestures: and yet every one of these muscular acts may be performed with utter unconsciousness on his part of anything but the sense of the words in the book, — in other words, they are reflex acts.

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"The reflex actions proper to the spinal cord itself are *natural*, and are involved in the structure of the cord and the properties of its constituents. By the help of the brain we may acquire an affinity of *artificial* reflex actions; that is to say, an action may require all our attention and all our volition for its first or second or third performance, but by frequent repetition it becomes in a manner part of our organization, and is performed without volition or even consciousness.

"As every one knows, it takes a soldier a very long time to learn his drill, — to put himself, for instance, into the attitude of 'attention' at the instant the word of command is heard; but after a time the sound of the word gives rise to the act, whether the soldier be thinking of it or not. There is a story which is credible enough, though it may not be true, of a practical joker who, seeing a discharged veteran carrying home his dinner, suddenly called out 'Attention!' whereupon the man instantly brought his hands down, and lost his mutton and potatoes in the gutter. The drill had been gone through, and its effects had become embodied in the man's nervous structure.

"The possibility of all education (of which military drill is only one particular form) is based upon the existence of this power which the nervous system possesses, of organizing conscious actions into more or less unconscious or reflex operations. It may be laid down as a rule, that if any two mental states be called up together or in succession with due frequency and vividness, the subsequent production of the one of them will suffice to call up the other, and that whether we desire it or not."*

The body of the accomplished man has thus become by training different from what it once was, and different from that of the rude man; it is charged with stored virtue and acquired faculty which come away from it unconsciously.

Again, as to race, another authority teaches: —

"Man's life truly represents a progressive development of the nervous system, none the less so because it takes place out of the womb instead of in it. The regular transmutation of motions which are at first voluntary into secondary automatic motions, as Hartley calls them, is due to a gradually effected organization; and we may rest assured of this, that co-ordinate activity always testifies to stored-up power, either innate or acquired.

*Huxley's "Elementary Physiology" (1st Ed.), §§ 335-337.

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"The way in which an acquired faculty of the parent animal is sometimes distinctly transmitted to the progeny as a heritage, instinct, or innate endowment, furnishes a striking confirmation of the foregoing observations. Power which has been laboriously acquired and stored up as statical in one generation, manifestly in such case becomes the inborn faculty of the next; and the development takes place in accordance with that law of increasing speciality and complexity of adaptation to external nature which is traceable through the animal kingdom, — or in other words, that law of progress from the general to the special in development which the appearance of nerve force amongst natural forces and the complexity of the nervous system of man both illustrate. As the vital force gathers up, as it were, into itself inferior forces, and might be said to be a development of them, or as in the appearance of nerve force simpler and more general forces are gathered up and concentrated in a more special and complex mode of energy, so again a further specialization takes place in the development of the nervous system, whether watched through generations or through individual life. It is not by limiting our observations to the life of the individual, however, who is but a link in the chain of organic beings connecting the past with the future, that we shall come at the full truth; the present individual is the inevitable consequence of his antecedents in the past, and in the examination of these alone do we arrive at the adequate explanation of him. It behooves us, then, having found any faculty to be innate, not to rest content there, but steadily to follow backwards the line of causation, and thus to display if possible its manner of origin. This is the more necessary with the lower animals, where so much is innate."*

The special laws of inheritance are indeed as yet unknown. All which is clear and all which is to my purpose is, that there is a tendency, a probability — greater or less according to circumstances, but always considerable — that the descendants of cultivated parents will have, by born nervous organization, a greater aptitude for cultivation than the descendants of such as are not cultivated; and that this tendency augments in some enhanced ratio for many generations.

I do not think any who do not acquire — and it takes a hard effort to acquire — this notion of a

* Maudsley, "Physiology and Pathology of the Mind" (1st Ed.), Chap. iii.

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transmitted nerve element will ever understand the "connective tissue" of civilization. We have here the continuous force which binds age to age; which enables each to begin with some improvement on the last, if the last did itself improve; which makes each civilization not a set of detached dots, but a line of color surely enhancing shade by shade. There is by this doctrine a physical cause of improvement from generation to generation, and no imagination which has apprehended it can forget it; but unless you appreciate that cause in its subtle materialism, — unless you see it, as it were, playing upon the nerves of men, and age after age making nicer music from finer chords, — you cannot comprehend the principle of inheritance either in its mystery or its power.

These principles are quite independent of any theory as to the nature of matter or the nature of mind. They are as true upon the theory that mind acts on matter though separate and altogether different from it, as upon the theory of Bishop Berkeley, that there is no matter but only mind; or upon the contrary theory, that there is no mind but only matter; or upon the yet subtler theory now often held, that both mind and matter are different modifications of some one *tertium quid*, some hidden thing or force. All these theories admit — indeed, they are but various theories to account for — the fact that what we call matter has consequences in what we call mind, and that what we call mind produces results in what we call matter; and the doctrines I quote assume only that. Our mind in some strange way acts on our nerves, and our nerves in some equally strange way store up the consequences; and somehow the result, as a rule and commonly enough, goes down to our descendants. These primitive facts all theories admit and all of them labor to explain.

Nor have these plain principles any relation to the old difficulties of necessity and free-will. Every Free-willist holds that the special force of free volition

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is applied to the pre-existing forces of our corporeal structure; he does not consider it as an agency acting *in vacuo*, but as an agency acting upon other agencies. Every Free-willist holds that upon the whole, if you strengthen the motive in a given direction, mankind tend more to act in that direction. Better motives — better impulses, rather — come from a good body; worse motives or worse impulses come from a bad body. A Free-willist may admit as much as a Necessarian that such improved conditions tend to improve human action, and that deteriorated conditions tend to deprave human action. No Free-willist ever expects as much from St. Giles's as he expects from Belgravia: he admits a hereditary nervous system as a *datum* for the will, though he holds the will to be an extraordinary incoming "something." No doubt the modern doctrine of the "conservation of force," if applied to decision, is inconsistent with free-will: if you hold that force "is never lost or gained," you cannot hold that there is a real gain, — a sort of new creation of it in free volition. But I have nothing to do here with the universal "conservation of force": the conception of the nervous organs as stores of will-made power does not raise or need so vast a discussion.

Still less are these principles to be confounded with Mr. Buckle's idea that material forces have been the mainsprings of progress, and moral causes secondary and in comparison not to be thought of; on the contrary, moral causes are the first here. It is the action of the will that causes the unconscious habit; it is the continual effort of the beginning that creates the hoarded energy of the end; it is the silent toil of the first generation that becomes the transmitted aptitude of the next. Here physical causes do not create the moral, but moral create the physical; here the beginning is by the higher energy, the conservation and propagation only by the lower. But we thus perceive how a science of history is possible, as Mr. Buckle

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said; a science to teach the laws of tendencies — created by the mind and transmitted by the body — which act upon and incline the will of man from age to age.

II.

BUT how do these principles change the philosophy of our politics? I think in many ways; and first, in one particularly. Political economy is the most systematized and most accurate part of political philosophy; and yet, by the help of what has been laid down, I think we may travel back to a sort of "pre-economic age," when the very assumptions of political economy did not exist, when its precepts would have been ruinous, and when the very contrary precepts were requisite and wise.

For this purpose I do not need to deal with the dim ages which ethnology just reveals to us, — with the Stone Age and the flint implements and the refuse heaps. The time to which I would go back is only that just before the dawn of history, — coeval with the dawn, perhaps it would be right to say, for the first historians saw such a state of society, though they saw other and more advanced states too; a period of which we have distinct descriptions from eye-witnesses, and of which the traces and consequences abound in the oldest law.

"The effect," says Sir Henry Maine, the greatest of our living jurists, — the only one, perhaps, whose writings are in keeping with our best philosophy, — "of the evidence derived from comparative jurisprudence is to establish that view of the primeval condition of the human race which is known as the 'patriarchal theory.' There is no doubt, of course, that this theory was originally based on the Scriptural history of the Hebrew patriarchs in Lower Asia; but as has been explained already, its connection with Scripture rather militated than otherwise against its reception as a complete theory, since the majority of the inquirers who till recently addressed themselves with most earnestness to the colligation of social phenomena were either influenced by the strongest prejudice against

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Hebrew antiquities or by the strongest desire to construct their system without the assistance of religious records. Even now there is perhaps a disposition to undervalue these accounts, or rather to decline generalizing from them, as forming part of the traditions of a Semitic people. It is to be noted, however, that the legal testimony comes nearly exclusively from the institutions of societies belonging to the Indo-European stock, the Romans, Hindoos, and Sclavonians supplying the greater part of it; and indeed the difficulty, at the present stage of the inquiry, is to know where to stop,—to say of what races of men it is *not* allowable to lay down that the society in which they are united was originally organized on the patriarchal model. The chief lineaments of such a society, as collected from the early chapters in Genesis, I need not attempt to depict with any minuteness, both because they are familiar to most of us from our earliest childhood, and because, from the interest once attaching to the controversy which takes its name from the debate between Locke and Filmer, they fill a whole chapter — though not a very profitable one — in English literature. The points which lie on the surface of the history are these: — The eldest male parent — the eldest ascendant — is absolutely supreme in his household; his dominion extends to life and death, and is as unqualified over his children and their houses as over his slaves, — indeed, the relations of sonship and serfdom appear to differ in little beyond the higher capacity which the child in blood possesses of becoming one day the head of a family himself. The flocks and herds of the children are the flocks and herds of the father; and the possessions of the parent, which he holds in a representative rather than in a proprietary character, are equally divided at his death among his descendants in the first degree, the eldest son sometimes receiving a double share under the name of birthright, but more generally endowed with no hereditary advantage beyond an honorary precedence. A less obvious inference from the Scriptural accounts is that they seem to plant us on the traces of the breach which is first effected in the empire of the parent. The families of Jacob and Esau separate and form two nations, but the families of Jacob's children hold together and become a people; this looks like the immature germ of a state or commonwealth, and of an order of rights superior to the claims of family relation.

"If I were attempting for the more special purposes of the jurist to express compendiously the characteristics of the situation in which mankind disclose themselves at the dawn of their history, I should be satisfied to quote a few verses from the 'Odyssey' of Homer: —*

*Book ix. 112-115.

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"'Τοῖσιν δ' οὔτ' ἀγοραὶ βουληφόροι οὔτε θέμιστες·
. . . θεμιστεύει δὲ ἕκαστος
παίδων ἠδ' ἀλόχων, οὐδ' ἀλλήλων ἀλέγουσιν.'

"'They have neither assemblies for consultation nor *themistes*, but every one exercises jurisdiction over his wives and his children, and they pay no regard to one another.'"*

And this description of the beginnings of history is confirmed by what may be called the last lesson of prehistoric ethnology. Perhaps it is the most valuable — as it is clearly the most sure — result of that science that it has dispelled the dreams of other days as to a primitive high civilization. History catches man as he emerges from the patriarchal state; ethnology shows how he lived, grew, and improved in that state. The conclusive arguments against the imagined original civilization are indeed plain to every one: nothing is more intelligible than a moral deterioration of mankind, nothing than an æsthetic degradation, nothing than a political degradation; but you cannot imagine mankind giving up the plain utensils of personal comfort if they once knew them, still less can you imagine them giving up good weapons — say bows and arrows — if they once knew them. Yet if there were a primitive civilization, these things *must* have been forgotten; for tribes can be found in every degree of ignorance and every grade of knowledge as to pottery, as to the metals, as to the means of comfort, as to the instruments of war. And what is more, these savages have not failed from stupidity: they are, in various degrees of originality, inventive about these matters. You cannot trace the roots of an old perfect system variously maimed and variously dying, you cannot find it as you find the trace of the Latin language in the mediæval dialects; on the contrary, you find it beginning as new scientific discoveries and inventions now begin, — here a little and there a little, the same thing half done in various half-ways, and so as no one who knew the best way

*"Ancient Law," Chap. v.

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would ever have begun. An idea used to prevail that bows and arrows were the "primitive weapons," — the weapons of universal savages; but modern science has made a table,* and some savages have them and some have not, and some have substitutes of one sort and some have substitutes of another, — several of these substitutes being like the boomerang, so much more difficult to hit on or to use than the bow, as well as so much less effectual. And not only may the miscellaneous races of the world be justly described as being upon various edges of industrial civilization, approaching it by various sides and falling short of it in various particulars, but the moment they see the real thing they know how to use it as well [as] or better than civilized man. The South American uses the horse which the European brought better than the European. Many races use the rifle — the especial and very complicated weapon of civilized man — better upon an average than he can use it. The savage with simple tools — tools he appreciates — is like a child, quick to learn; not like an old man, who has once forgotten and who cannot acquire again. Again, if there had been an excellent aboriginal civilization in Australia and America, where, botanists and zoölogists ask, are its vestiges? If these savages did care to cultivate wheat, where is the wild wheat gone which their abandoned culture must have left? if they did give up using good domestic animals, what has become of the wild ones which would according to all natural laws have sprung up out of them? This much is certain, that the domestic animals of Europe have, since what may be called the discovery of the *world* during the last hundred years, run up and down it. The English rat, not the pleasantest of our domestic creatures, has gone everywhere, — to Australia, to New Zealand, to America; nothing but a complicated rat

*See the very careful table and admirable discussion in Sir John Lubbock's "Pre-Historic Times." — B.

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miracle could ever root him out. Nor could a common force expel the horse from South America since the Spaniards took him thither: if we did not know the contrary, we should suppose him a principal aboriginal animal. Where then, so to say, are the rats and horses of the primitive civilization? Not only can we not find them, but zoölogical science tells us that they never existed; for the "feebly pronounced," the ineffectual marsupials of Australia and New Zealand could never have survived a competition with better creatures such as that by which they are now perishing.

We catch then a first glimpse of patriarchal man, not with any industrial relics of a primitive civilization, but with some gradually learnt knowledge of the simpler arts, with some tamed animals and some little knowledge of the course of nature as far as it tells upon the seasons and affects the condition of simple tribes. This is what, according to ethnology, we should expect the first historic man to be, and this is what we in fact find him; but what was his mind,—how are we to describe that?

I believe the general description in which Sir John Lubbock sums up his estimate of the savage mind suits the patriarchal mind: "Savages," he says, "have the character of children with the passions and strength of men."* And if we open the first record of the pagan world, the poems of Homer, how much do we find that suits this description better than any other! Civilization has indeed already gone forward ages beyond the time at which any such description is complete; man in Homer is as good at oratory, Mr. Gladstone seems to say, as he has ever been,—and much as that means, other and better things might be added to it: but after all, how much of the "splendid savage" there is in Achilles, and how much of the "spoiled child sulking in his tent"! Impressibility and excitability are the main characteristics of the oldest Greek history; and if we turn

* "Prehistoric Times," Chap. xiii. (page 465).

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to the East, the "simple and violent" world (as Mr. Kinglake calls it) of the first times meets us every moment.

And this is precisely what we should expect. "An inherited drill," science says, "makes modern nations what they are; their born structure bears the trace of the laws of their fathers:" but the ancient nations came into no such inheritance, — they were the descendants of people who did what was right in their own eyes; they were born to no tutored habits, no preservative bonds, and therefore they were at the mercy of every impulse and blown by every passion.

The condition of the primitive man, if we conceive of him rightly, is in several respects different from any we know. We unconsciously assume around us the existence of a great miscellaneous social machine working to our hands, and not only supplying our wants but even telling and deciding when those wants shall come. No one can now without difficulty conceive how people got on before there were clocks and watches; as Sir G. Lewis said, "it takes a vigorous effort of the imagination" to realize a period when it was a serious difficulty to know the hour of day. And much more is it difficult to fancy the unstable minds of such men as neither knew nature, which is the clockwork of material civilization, nor possessed a polity, which is a kind of clockwork to moral civilization. They never could have known what to expect; the whole habit of steady but varied anticipation, which makes our minds what they are, must have been wholly foreign to theirs.

Again, I at least cannot call up to myself the loose conceptions (as they must have been) of morals which then existed. If we set aside all the element derived from law and polity which runs through our current moral notions, I hardly know what we shall have left. The residuum was somehow and in some vague way intelligible to the ante-political man; but it must have been uncertain, wavering, and unfit to be

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depended upon. In the best cases it existed much as the vague feeling of beauty now exists in minds sensitive but untaught, — a still small voice of uncertain meaning, an unknown something modifying everything else and higher than anything else, yet in form so indistinct that when you looked for it, it was gone; or if this be thought the delicate fiction of a later fancy, then morality was at least to be found in the wild spasms of "wild justice," half punishment, half outrage: but anyhow, being unfixed by steady law, it was intermittent, vague, and hard for us to imagine. Everybody who has studied mathematics knows how many shadowy difficulties he seemed to have before he understood the problem, and how impossible it was, when once the demonstration had flashed upon him, ever to comprehend those indistinct difficulties again, or to call up the mental confusion that admitted them; so in these days, when we cannot by any effort drive out of our minds the notion of law, we cannot imagine the mind of one who had never known it and who could not by any effort have conceived it.

Again, the primitive man could not have imagined what we mean by a nation. We, on the other hand, cannot imagine those to whom it is a difficulty: "we know what it is when you do not ask us," but we cannot very quickly explain or define it. But so much as this is plain, — a nation means a *like* body of men, because of that likeness capable of acting together, and because of that likeness inclined to obey similar rules; and even this, Homer's Cyclops — used only to sparse human beings — could not have conceived.

To sum up: — *Law* — rigid, definite, concise law — is the primary want of early mankind; that which they need above anything else, that which is requisite before they can gain anything else. But it is their greatest difficulty as well as their first requisite; the thing most out of their reach as well as that

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most beneficial to them if they reach it. In later ages, many races have gained much of this discipline quickly though painfully, — a loose set of scattered clans has been often and often forced to substantial settlement by a rigid conqueror; the Romans did half the work for above half Europe. But where could the first ages find Romans or a conqueror? men conquer by the power of government, and it was exactly government which then was not. The first ascent of civilization was at a steep gradient, though when now we look down upon it, it seems almost nothing.

III.

How the step from no polity to polity was made, distinct history does not record. On this point Sir Henry Maine has drawn a most interesting conclusion from his peculiar studies: —

"It would be," he tells us, "a very simple explanation of the origin of society if we could base a general conclusion on the hint furnished us by the Scriptural example already adverted to, and could suppose that communities began to exist wherever a family held together instead of separating at the death of its patriarchal chieftain. In most of the Greek states and in Rome there long remained the vestiges of an ascending series of groups out of which the state was at first constituted. The family, house, and tribe of the Romans may be taken as the type of them; and they are so described to us that we can scarcely help conceiving them as a system of concentric circles which have gradually expanded from the same point. The elementary group is the family, connected by common subjection to the highest male ascendant; the aggregation of families forms the *gens* or house; the aggregation of houses makes the tribe; the aggregation of tribes constitutes the commonwealth. Are we at liberty to follow these indications, and to lay down that the commonwealth is a collection of persons united by common descent from the progenitor of an original family? Of this we may at least be certain, — that all ancient societies regarded themselves as having proceeded from one original stock, and even labored under an incapacity for comprehending any reason except this for their holding together in political union. The history of political ideas begins, in fact, with the assumption that kinship in blood is the

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sole possible ground of community in political functions; nor is there any of those subversions of feeling which we term emphatically revolutions, so startling and so complete as the change which is accomplished when some other principle—such as that, for instance, of *local contiguity*—establishes itself for the first time as the basis of common political action."*

If this theory were true, the origin of polities would not seem a great change, or in early days be really a great change. The primacy of the elder brother, in tribes casually cohesive, would be slight; it would be the beginning of much, but it would be nothing in itself: it would be—to take an illustration from the opposite end of the political series—it would be like the headship of a weak parliamentary leader over adherents who may divide from him in a moment; it was the germ of sovereignty, it was hardly yet sovereignty itself.

I do not myself believe that the suggestion of Sir Henry Maine—for he does not, it will be seen, offer it as a confident theory—is an adequate account of the true origin of polities: I shall in a subsequent essay show that there are, as it seems to me, abundant evidences of a time still older than that which he speaks of. But the theory of Sir Henry Maine serves my present purpose well: it describes and truly describes a kind of life antecedent to our present polities, and the conclusion I have drawn from it will be strengthened, not weakened, when we come to examine and deal with an age yet older and a social bond far more rudimentary.

But when once polities were begun, there is no difficulty in explaining why they lasted. Whatever may be said against the principle of "natural selection" in other departments, there is no doubt of its predominance in early human history: the strongest killed out the weakest as they could. And I need not pause to prove that any form of polity is more efficient than none; that an aggregate of families owning even a

*"Ancient Law," Chap. v.

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slippery allegiance to a single head would be sure to have the better of a set of families acknowledging no obedience to any one, but scattering loose about the world and fighting where they stood. Homer's Cyclops would be powerless against the feeblest band; so far from its being singular that we find no other record of that state of man, so unstable and sure to perish was it that we should rather wonder at even a single vestige lasting down to the age when for picturesqueness it became valuable in poetry.

But though the origin of polity is dubious, we are upon the *terra firma* of actual records when we speak of the preservation of polities. Perhaps every young Englishman who comes nowadays to Aristotle or Plato is struck with their conservatism: fresh from the liberal doctrines of the present age, he wonders at finding in those recognized teachers so much contrary teaching. They both, unlike as they are, hold with Xenophon so unlike both, that man is the "hardest of all animals to govern." Of Plato it might indeed be plausibly said that the adherents of an intuitive philosophy, being "the Tories of speculation," have commonly been prone to conservatism in government; but Aristotle, the founder of the experience philosophy, ought according to that doctrine to have been a Liberal if any one ever was a Liberal. In fact, both of these men lived when men "had not had time to forget" the difficulties of government: we have forgotten them altogether. We reckon as the basis of our culture upon an amount of order, of tacit obedience, of prescriptive governability, which these philosophers hoped to get as a principal result of their culture; we take without thought as a *datum* what they hunted as a *quæsitum*.

In early times the quantity of government is much more important than its quality. What you want is a comprehensive rule binding men together, making them do much the same things, telling them what to expect of each other, — fashioning them alike and

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keeping them so: what this rule is, does not matter so much. A good rule is better than a bad one, but any rule is better than none; while, for reasons which a jurist will appreciate, none can be very good. But to gain that rule, what may be called the "impressive" elements of a polity are incomparably more important than its useful elements. How to get the obedience of men, is the hard problem; what you do with that obedience is less critical.

To gain that obedience, the primary condition is the identity — not the union, but the sameness — of what we now call "church" and "state." Dr. Arnold, fresh from the study of Greek thought and Roman history, used to preach that this identity was the great cure for the misguided modern world; but he spoke to ears filled with other sounds and minds filled with other thoughts, and they hardly knew his meaning, much less heeded it. But though the teaching was wrong for the modern age to which it was applied, it was excellent for the old world from which it was learnt: what is there requisite is a single government — call it "church" or "state" as you like — regulating the whole of human life. No division of power is then endurable without danger, probably without destruction: the priest must not teach one thing and the king another; king must be priest and prophet king, — the two must say the same because they are the same. The idea of difference between spiritual penalties and legal penalties must never be awakened, — indeed, early Greek thought or early Roman thought would never have comprehended it: there was a kind of rough public opinion, and there were rough — very rough — hands which acted on it. We now talk of "political penalties" and "ecclesiastical prohibition" and "the social censure"; but they were all one then. Nothing is very like those old communities now, but perhaps a trades-union is as near as most things: to work cheap is thought to be a "wicked" thing, and so some Broadhead puts it down.

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The object of such organizations is to create what may be called a *cake* of custom. All the actions of life are to be submitted to a single rule for a single object, — that gradually created "hereditary drill" which science teaches to be essential, and which the early instinct of men saw to be essential too. That this *régime* forbids free thought is not an evil, — or rather, though an evil, it is the necessary basis for the greatest good; it is necessary for making the mold of civilization and hardening the soft fiber of early man.

The first recorded history of the Aryan race shows everywhere a king, a council, and — as the necessity of early conflicts required — the king in much prominence and with much power. That there could be in such ages anything like an Oriental despotism or a Cæsarean despotism was impossible: the outside extra-political army which maintains them could not exist when the tribe was the nation, and when all the men in the tribe were warriors. Hence, in the time of Homer, in the first times of Rome, in the first times of ancient Germany, the king is the most visible part of the polity, because for momentary welfare he is the most useful. The close oligarchy, the patriciate, which alone could know the fixed law, alone could apply the fixed law, which was recognized as the authorized custodian of the fixed law, had then sole command over the primary social want, — it alone knew the code of drill; it alone was obeyed, it alone could drill. Mr. Grote has admirably described the rise of the primitive oligarchies upon the face of the first monarchy: but, perhaps because he so much loves historic Athens, he has not sympathized with prehistoric Athens; he has not shown us the need of a fixed life when all else was unfixed life.

It would be schoolboyish to explain at length how well the two great republics, the two winning republics, of the ancient world embody these conclusions: Rome and Sparta were drilling aristocracies,

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and succeeded because they were such. Athens was indeed of another and higher order, at least to us instructed moderns who know her and have been taught by her; but to the "Philistines" of those days, Athens was of a lower order. She was beaten; she lost the great visible game which is all that short-sighted contemporaries know; she was the great "free failure" of the ancient world. She began, she announced, the good things that were to come, but she was too weak to display and enjoy them; she was trodden down by those of coarser make and better trained frame.

How much these principles are confirmed by Jewish history is obvious. There was doubtless much else in Jewish history, — whole elements with which I am not here concerned; but so much is plain, — the Jews were in the beginning the most unstable of nations, they were submitted to their law and they came out the most stable of nations. Their polity was indeed defective in unity: after they asked for a king, the spiritual and the secular powers (as we should speak) were never at peace and never agreed; and the ten tribes who lapsed from their law melted away into the neighboring nations. Jeroboam has been called the "first Liberal," and — religion apart — there is a meaning in the phrase: he began to break up the binding polity which was what men wanted in that age, though eager and inventive minds always dislike it. But the Jews who adhered to their law became the Jews of the day, a nation of a firm set if ever there was one.

It is connected with this fixity that jurists tell us that the title "contract" is hardly to be discovered in the oldest law. In modern days, in civilized days, men's choice determines nearly all they do; but in early times that choice determined scarcely anything. The guiding rule was the law of *status*. Everybody was born to a place in the community: in that place he had to stay; in that place he found certain duties which he had to fulfill, and which were all he needed

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to think of. The net of custom caught men in distinct spots and kept each where he stood.

What are called in European politics "the principles of 1789" are therefore inconsistent with the early world: they are fitted only to the new world in which society has gone through its early task, when the inherited organization is already confirmed and fixed, when the soft minds and strong passions of youthful nations are fixed and guided by hard transmitted instincts. Till then, not equality before the law is necessary, but inequality, for what is most wanted is an elevated *élite* who know the law; not a good government seeking the happiness of its subjects, but a dignified and overawing government getting its subjects to obey; not a good law, but a comprehensive law binding all life to one routine. Later are the ages of freedom; first are the ages of servitude. In 1789, when the great men of the Constituent Assembly looked on the long past, they hardly saw anything in it which could be praised or admired or imitated: all seemed a blunder, — a complex error to be got rid of as soon as might be. But that error had made themselves; on their very physical organization the hereditary mark of old times was fixed; their brains were hardened and their nerves were steadied by the transmitted results of tedious usages. The ages of monotony had their use, for they trained men for ages when they need not be monotonous.

IV.

But even yet we have not realized the full benefit of those early polities and those early laws. They not only "bound up" men in groups, not only impressed on men a certain set of common usages, but often — at least in an indirect way — suggested, if I may use the expression, national character.

We cannot yet explain — I am sure at least I cannot attempt to explain — all the singular phenomena

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of national character: how completely and perfectly they seem to be at first framed; how slowly, how gradually they can alone be altered, if they can be altered at all. But there is one analogous fact which may help us to see, at least dimly, how such phenomena are caused. There is a character of *ages* as well as of nations; and as we have full histories of many such periods, we can examine exactly when and how the mental peculiarity of each began, and also exactly when and how that mental peculiarity passed away. We have an idea of Queen Anne's time, for example, or of Queen Elizabeth's time or George II.'s time; or again of the age of Louis XIV. or Louis XV. or the French Revolution: an idea more or less accurate in proportion as we study, but probably, even in the minds which know these ages best and most minutely, more special, more simple, more unique than the truth was. We throw aside too much, in making up our images of eras, that which is common to all eras. The English character was much the same in many great respects in Chaucer's time as it was in Elizabeth's time or Anne's time, or as it is now: but some qualities were added to this common element in one era and some in another; some qualities seemed to overshadow and eclipse it in one era and others in another. We overlook and half forget the constant while we see and watch the variable. But — for that is the present point — *why* is there this variable? Every one must, I think, have been puzzled about it. Suddenly in a quiet time — say in Queen Anne's time — arises a special literature, a marked variety of human expression, pervading what is then written and peculiar to it: surely this is singular.

The true explanation is, I think, something like this: — One considerable writer gets a sort of start because what he writes is somewhat more — only a little more very often, as I believe — congenial to the minds around him than any other sort. This writer is very often not the one whom posterity remembers,

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not the one who carries the style of the age farthest towards its ideal type, and gives it its charm and its perfection. It was not Addison who began the essay-writing of Queen Anne's time, but Steele; it was the vigorous forward man who struck out the rough notion, though it was the wise and meditative man who improved upon it and elaborated it and whom posterity reads. Some strong writer or group of writers thus seize upon the public mind, and a curious process soon assimilates other writers in appearance to them. To some extent, no doubt, this assimilation is effected by a process most intelligible and not at all curious, the process of conscious imitation: A sees that B's style of writing answers, and he imitates it. But definitely aimed mimicry like this is always rare: original men who like their own thoughts do not willingly clothe them in words they feel they borrow; no man, indeed, can think to much purpose when he is studying to write a style not his own. After all, very few men are at all equal to the steady labor, the stupid and mistaken labor mostly, of *making* a style: most men catch the words that are in the air, and the rhythm which comes to them they do not know from whence; an unconscious imitation determines their words, and makes them say what of themselves they would never have thought of saying. Every one who has written in more than one newspaper knows how invariably his style catches the tone of each paper while he is writing for it, and changes to the tone of another when in turn he begins to write for that. He probably would rather write the traditional style to which the readers of the journal are used, but he does not set himself to copy it; he would have to force himself in order *not* to write it if that was what he wanted. Exactly in this way, just as a writer for a journal without a distinctly framed purpose gives the readers of the journal the sort of words and the sort of thoughts they are used to, so on a larger scale the writers of an age, without thinking

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of it, give to the readers of the age the sort of words and the sort of thoughts — the special literature, in fact — which those readers like and prize. And not only does the writer without thinking choose the sort of style and meaning which are most in vogue, but the writer is himself chosen: a writer does not begin to write in the traditional rhythm of an age unless he feels or fancies he feels a sort of aptitude for writing it, any more than a writer tries to write in a journal in which the style is uncongenial or impossible to him. Indeed, if he mistakes he is soon weeded out: the editor rejects, the age will not read, his compositions. How painfully this traditional style cramps great writers whom it happens not to suit is curiously seen in Wordsworth, who was bold enough to break through it, and at the risk of contemporary neglect to frame a style of his own; but he did so knowingly and he did so with an effort. "It is supposed," he says, "that by the act of writing in verse an author makes a formal engagement that he will gratify certain known habits of association; that he not only thus apprizes the reader that certain classes of ideas and expressions will be found in his book, but that others will be carefully excluded. This exponent or symbol held forth by metrical language must in different eras of literature have excited very different expectations: for example, in the age of Catullus, Terence, and Lucretius, and that of Statius or Claudian; and in our own country, in the age of Shakespeare and Beaumont and Fletcher, and that of Donne and Cowley or Dryden or Pope."* And then, in a kind of vexed way, Wordsworth goes on to explain that he himself can't and won't do what is expected from him, but that he will write his own words and only his own words. A strict — I was going to say a Puritan — genius will act thus; but most men of genius are susceptible and versatile, and fall into the style of their age. One very unapt at the assimilating process, but on that account the more curious about it, says, —

* Preface to "Lyrical Ballads."

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"How we
Walk a livelong day, great Heaven, and watch our shadows!
What our shadows seem, forsooth, we will ourselves be.
Do I look like that? you think me that: then I *am* that."*

What writers are expected to write, they write; or else they do not write at all, but like the writer of these lines, stop discouraged, live disheartened, and die leaving fragments which their friends treasure, but which a rushing world never heeds. The non-conformist writers are neglected, the conformist writers are encouraged, until perhaps on a sudden the fashion shifts. And as with the writers, so in a less degree with readers: many men — most men — get to like or think they like that which is ever before them, and which those around them like and which received opinion says they ought to like; or if their minds are too marked and oddly made to get into the mold, they give up reading altogether, or read old books and foreign books, formed under another code and appealing to a different taste. The principle of "elimination," the "use and disuse" of organs which naturalists speak of, works here: what is used strengthens, what is disused weakens; "to those who have, more is given," — and so a sort of style settles upon an age, and imprinting itself more than anything else in men's memories, becomes all that is thought of about it.

I believe that what we call "national character" arose in very much the same way. At first a sort of "chance predominance" made a model, and then invincible attraction — the necessity which rules all but the strongest men to imitate what is before their eyes, and to be what they are expected to be — molded men by that model. This is, I think, the very process by which new national characters are being made in our own time. In America and in Australia a new modification of what we call Anglo-Saxonism

* Arthur Hugh Clough, "Amours de Voyage," Canto i., iv.

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is growing: a sort of type of character arose from the difficulties of colonial life,—the difficulty of struggling with the wilderness,—and this type has given its shape to the mass of characters because the mass of characters have unconsciously imitated it. Many of the American characteristics are plainly useful in such a life and consequent on such a life: the eager restlessness, the highly strung nervous organization, are useful in continual struggle and also are promoted by it. These traits seem to be arising in Australia too, and wherever else the English race is placed in like circumstances. But even in these useful particulars, the innate tendency of the human mind to become like what is around it has effected much: a sluggish Englishman will often catch the eager American look in a few years; an Irishman or even a German will catch it too, even in all English particulars. And as to a hundred minor points,—in so many that go to mark the typical Yankee,—usefulness has had no share either in their origin or their propagation: the accident of some predominant person possessing them set the fashion, and it has been imitated to this day. Anybody who inquires will find even in England, and even in these days of assimilation, parish peculiarities which arose no doubt from some old accident, and have been heedfully preserved by customary copying. A national character is but the successful parish character, just as the national speech is but the successful parish dialect; the dialect, that is, of the district which came to be more—in many cases but a little more—influential than other districts, and so set its yoke on books and on society.

I could enlarge much on this, for I believe this unconscious imitation to be the principal force in the making of national characters; but I have already said more about it than I need. Everybody who weighs even half these arguments will admit that it is a great force in the matter, a principal agency to be acknowledged and watched; and for my present

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purpose I want no more. I have only to show the efficacy of the tight early polity (so to speak) and the strict early law on the creation of corporate characters. These settled the predominant type, set up a sort of model, made a sort of *idol;* this was worshiped, copied, and observed, from all manner of mingled feelings, but most of all because it was "the thing to do," the then accepted form of human action. When once the predominant type was determined, the copying propensity of man did the rest. The tradition ascribing Spartan legislation to Lycurgus was literally untrue, but its spirit was quite true: in the origin of states, strong and eager individuals got hold of small knots of men, and made for them a fashion which they were attached to and kept.

It is only after duly apprehending the silent manner in which national characters thus form themselves that we can rightly appreciate the dislike which old governments had to trade. There must have been something peculiar about it, for the best philosophers, Plato and Aristotle, shared it; they regarded commerce as the source of corruption as naturally as a modern economist considers it the spring of industry, and all the old governments acted in this respect upon the philosophers' maxims. "Well," said Dr. Arnold, speaking ironically and in the spirit of modern times, "Well indeed might the policy of the old priest-nobles of Egypt and India endeavor to divert their people from becoming familiar with the sea, and represent the occupation of a seaman as incompatible with the purity of the highest castes: the sea deserved to be hated by the old aristocracies, inasmuch as it has been the mightiest instrument in the civilization of mankind." * But the old oligarchies had their own work, as we now know: they were imposing a fashioning yoke, they were making the human nature which after times employ; they were at their

* "Social Progress of States," Appendix to Vol. i. of his "Thucydides."

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labors, we have entered into these labors: and to the unconscious imitation which was their principal tool, no impediment was so formidable as foreign intercourse. Men imitate what is before their eyes if it is before their eyes alone; but they do not imitate it if it is only one among many present things, — one competitor among others, all of which are equal and some of which seem better. "Whoever speaks two languages is a rascal," says the saying; and it rightly represents the feeling of primitive communities when the sudden impact of new thoughts and new examples breaks down the compact despotism of the single consecrated code, and leaves pliant and impressible man — such as he then is — to follow his unpleasant will without distinct guidance by hereditary morality and hereditary religion. The old oligarchies wanted to keep their type perfect, and for that end they were right not to allow foreigners to touch it.

"Distinctions of race," says Arnold himself elsewhere in a remarkable essay* (for it was his last on Greek history, his farewell words on a long-favorite subject), "were not of that odious and fantastic character which they have borne in modern times: they implied real differences often of the most important kind, religious and moral." And after exemplifying this at length, he goes on, "It is not then to be wondered at that Thucydides, when speaking of a city founded jointly by Ionians and Dorians, should have thought it right to add that 'the prevailing institutions of the place were the Ionian,' for according as they were derived from one or the other of the two races, the whole character of the people would be different. And therefore the mixture of persons of different race in the same commonwealth, unless one race had a complete ascendancy, tended to confuse all the relations of life and all men's notions of right and wrong; or by compelling men to tolerate, in so

*Preface to Vol. iii. of his "Thucydides."

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near a relation as that of fellow-citizens, differences upon the main points of human life, led to a general carelessness and skepticism, and encouraged the notion that right and wrong have no real existence, but are the mere creatures of human opinion." But if this be so, the oligarchies were right: commerce brings this mingling of ideas, this breaking down of old creeds, and brings it inevitably. It is nowadays its greatest good that it does so, — the change is what we call "enlargement of mind"; but in early times Providence "set apart the nations," and it is not till the frame of their morals is set by long ages of transmitted discipline that such enlargement can be borne. The ages of isolation had their use, for they trained men for ages when they were not to be isolated.

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No. II.

THE USE OF CONFLICT.

"THE difference between progression and stationary inaction," says one of our greatest living writers, "is one of the great secrets which science has yet to penetrate." I am sure I do not pretend that I can completely penetrate it; but it undoubtedly seems to me that the problem is on the verge of solution, and that scientific successes in kindred fields by analogy suggest some principles which wholly remove many of its difficulties, and indicate the sort of way in which those which remain may hereafter be removed too.

But what is the problem? Common English — I might perhaps say common civilized — thought ignores it. Our habitual instructors, our ordinary conversation, our inevitable and ineradicable prejudices, tend to make us think that "progress" is the normal fact in human society, the fact which we should expect to see, the fact which we should be surprised if we did not see; but history refutes this. The ancients had no conception of progress: they did not so much as reject the idea, they did not even entertain the idea. Oriental nations are just the same now: since history began, they have always been what they are. Savages, again, do not improve: they hardly seem to have the basis on which to build, much less the material to put up anything worth having. Only a few nations, and those of European origin, advance; and yet these think — seem irresistibly compelled to think — such advance to be inevitable, natural, and eternal. Why then is this great contrast?

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Before we can answer, we must investigate more accurately. No doubt history shows that most nations are stationary now; but it affords reason to think that all nations once advanced. Their progress was arrested at various points; but nowhere, probably not even in the hill tribes of India, not even in the Andaman Islanders, not even in the savages of Tierra del Fuego, do we find men who have not got some way. They have made their little progress in a hundred different ways; they have framed with infinite assiduity a hundred curious habits; they have, so to say, *screwed* themselves into the uncomfortable corners of a complex life, which is odd and dreary, but yet is possible, — and the corners are never the same in any two parts of the world. Our record begins with a thousand unchanging edifices, but it shows traces of previous building. In historic times there has been little progress; in prehistoric times there must have been much.

In solving or trying to solve the question, we must take notice of this remarkable difference and explain it too, or else we may be sure our principles are utterly incomplete and perhaps altogether unsound. But what then is that solution, or what are the principles which tend towards it? Three laws or approximate laws may, I think, be laid down, with only one of which I can deal in this paper, but all three of which it will be best to state, that it may be seen what I am aiming at: —

First, in every particular state of the world, those nations which are strongest tend to prevail over the others; and in certain marked peculiarities the strongest tend to be the best.

Secondly, within every particular nation the type or types of character then and there most attractive tend to prevail; and the most attractive, though with exceptions, is what we call the best character.

Thirdly, neither of these competitions is in most historic conditions intensified by extrinsic forces; but

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in some conditions, such as those now prevailing in the most influential part of the world, both are so intensified.

These are the sort of doctrines with which, under the name of "natural selection" in physical science, we have become familiar; and as every great scientific conception tends to advance its boundaries and to be of use in solving problems not thought of when it was started, so here, what was put forward for mere animal history may, with a change of form but an identical essence, be applied to human history.

At first some objection was raised to the principle of "natural selection" in physical science, upon religious grounds: it was to be expected that so active an idea and so large a shifting of thought would seem to imperil much which men valued. Both in this as in other cases the objection is, I think, passing away: the new principle is more and more seen to be fatal to mere outworks of religion, not to religion itself. At all events, to the sort of application here made of it, which only amounts to searching out and following up an analogy suggested by it, there is plainly no objection: every one now admits that human history is guided by certain laws; and all that is here aimed at is, to indicate in a more or less distinct way an infinitesimally small portion of such laws.

The discussion of these three principles cannot be kept quite apart except by pedantry; but it is almost exclusively with the first—that of the competition between nation and nation or tribe and tribe (for I must use these words in their largest sense, and so as to include every cohering aggregate of human beings)—that I can deal now; and even as to that I can but set down a few principal considerations.

The progress of the military art is the most conspicuous—I was about to say the most *showy*—fact in human history. Ancient civilization may be compared with modern in many respects, and plausible

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arguments constructed to show that it is better; but you cannot compare the two in military power. Napoleon could indisputably have conquered Alexander; our Indian army would not think much of the Retreat of the Ten Thousand. And I suppose the improvement has been continuous: I have not the slightest pretense to special knowledge, but looking at the mere surface of the facts it seems likely that the aggregate battle array, so to say, of mankind, the fighting force of the human race, has constantly and invariably grown. It is true that the ancient civilization long resisted the "barbarians," and was then destroyed by the barbarians; but the barbarians had improved. "By degrees," says a most accomplished writer,* "barbarian mercenaries came to form the largest or at least the most effective part of the Roman armies. The body-guard of Augustus had been so composed; the prætorians were generally selected from the bravest frontier troops, most of them Germans. . . . Thus," he continues, "in many ways was the old antagonism broken down: Romans admitting barbarians to rank and office, barbarians catching something of the manners and culture of their neighbors. And thus, when the final movement came, . . . the Teutonic tribes slowly established themselves through the provinces, . . . knowing something of the system into which they came, and not unwilling to be considered its members." Taking friend and foe together, it may be doubted whether the fighting capacity of the two armies was not as great at last, when the Empire fell, as ever it was in the long period while the Empire prevailed. During the Middle Ages the combining power of men often failed; in a divided time you cannot collect as many soldiers as in a concentrated time: but this difficulty is political, not military. If you added up the many little hosts of any century of separation, they would

* Bryce, "Holy Roman Empire," Chap. iii.

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perhaps be found equal [to] or greater than the single host or the fewer hosts of previous centuries which were more united. Taken as a whole, and allowing for possible exceptions, the aggregate fighting power of mankind has grown immensely, and has been growing continuously since we knew anything about it.

Again, this force has tended to concentrate itself more and more in certain groups which we call "civilized nations." The *literati* of the last century were forever in fear of a new conquest of the barbarians, but only because their imagination was overshadowed and frightened by the old conquests: a very little consideration would have shown them that since the monopoly of military inventions by cultivated states, real and effective military power tends to confine itself to those states. The barbarians are no longer so much as vanquished competitors: they have ceased to compete at all.

The military vices, too, of civilization seem to decline just as its military strength augments. Somehow or other, civilization does not make men effeminate or unwarlike now as it once did; there is an improvement in our fiber, — moral, if not physical. In ancient times city people could not be got to fight, seemingly could not fight; they lost their mental courage, perhaps their bodily nerve: but nowadays in all countries the great cities could pour out multitudes wanting nothing but practice to make good soldiers, and abounding in bravery and vigor. This was so in America, it was so in Prussia, and it would be so in England too. The breed of ancient times was impaired for war by trade and luxury, but the modern breed is not so impaired.

A curious fact indicates the same thing probably, if not certainly: savages waste away before modern civilization, they seem to have held their ground before the ancient; there is no lament in any classical writer for the barbarians. The New-Zealanders say that the land will depart from their children; the

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Australians are vanishing; the Tasmanians have vanished.* If anything like this had happened in antiquity, the classical moralists would have been sure to muse over it, for it is just the large solemn kind of fact that suited them; on the contrary, in Gaul, in Spain, in Sicily, — everywhere that we know of, — the barbarian endured the contact of the Roman and the Roman allied himself to the barbarian. Modern science explains the wasting away of savage men: it says that we have diseases which we can bear though they cannot, and that they die away before them as our fatted and protected cattle died out before the rinderpest, which is innocuous, in comparison, to the hardy cattle of the steppes. Savages in the first year of the Christian era were pretty much what they were in the 1800th: and if they stood the contact of ancient civilized men and cannot stand ours, it follows that our race is presumably tougher than the ancient; for we have to bear and do bear the seeds of greater diseases than those the ancients carried with them. We may use, perhaps, the unvarying savage as a meter to gauge the vigor of the constitutions to whose contact he is exposed.

Particular consequences may be dubious, but as to the main fact there is no doubt: the military strength of man has been growing from the earliest time known to our history, straight on till now. And we must not look at times known by written records only: we must travel back to older ages, known to us only by what lawyers call *real* evidence, — the evidence of things. Before history began, there was at least as much progress in the military art as there has been since. The Roman legionaries or Homeric Greeks were about as superior to the men of the shell mounds and the flint implements as we are superior to them. There has been a constant acquisition of military strength by man since we know

*A curious illustration: the Tasmanians were largely corralled and shot down like wild beasts. — ED.

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anything of him, either by the documents he has composed or the indications he has left.

The cause of this military growth is very plain: the strongest nation has always been conquering the weaker; sometimes even subduing it, but always prevailing over it. Every intellectual gain, so to speak, that a nation possessed was in the earliest times made use of — was *invested* and taken out — in war; all else perished. Each nation tried constantly to be the stronger, and so made or copied the best weapons; by conscious and unconscious imitation each nation formed a type of character suitable to war and conquest. Conquest improved mankind by the intermixture of strengths; the armed truce which was then called peace improved them by the competition of training and the consequent creation of new power. Since the long-headed men first drove the short-headed men out of the best land in Europe, all European history has been the history of the superposition of the more military races over the less military, of the efforts — sometimes successful, sometimes unsuccessful — of each race to get more military; and so the art of war has constantly improved.

But why is one nation stronger than another? In the answer to that, I believe, lies the key to the principal progress of early civilization and to some of the progress of all civilization. The answer is, that there are very many advantages — some small and some great — every one of which tends to make the nation which has it superior to the nation which has it not; that many of these advantages can be imparted to subjugated races or imitated by competing races; and that though some of these advantages may be perishable or inimitable, yet on the whole the energy of civilization grows by the coalescence of strengths and by the competition of strengths.

II.

By far the greatest advantage is that on which I observed before, — that to which I drew all the attention

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I was able by making the first of these essays an essay on the Preliminary Age. The first thing to acquire is, if I may so express it, the *legal fiber:* a polity first, — what sort of polity is immaterial; a law first, — what kind of law is secondary; a person or set of persons to pay deference to, — though who he is or they are, by comparison scarcely signifies.

"There is," it has been said, "hardly any exaggerating the difference between civilized and uncivilized men; it is greater than the difference between a tame and a wild animal," because man can improve more. But the difference at first was gained in much the same way. The taming of animals as it now goes on among savage nations, and as travelers who have seen it describe it, is a kind of selection: the most wild are killed when food is wanted; and the most tame and easy to manage kept, because they are more agreeable to human indolence and so the keeper likes them best. Captain Galton, who has often seen strange scenes of savage and of animal life, had better describe the process: —

"The irreclaimably wild members of every flock would escape and be utterly lost; the wilder of those that remained would assuredly be selected for slaughter whenever it was necessary that one of the flock should be killed. The tamest cattle — those which seldom ran away, that kept the flocks together, and those which led them homeward — would be preserved alive longer than any of the others; it is therefore these that chiefly become the parents of stock and bequeath their domestic aptitudes to the future herd. I have constantly witnessed this process of selection among the pastoral savages of South Africa: I believe it to be a very important one on account of its rigor and its regularity; it must have existed from the earliest times, and have been in continuous operation, generation after generation, down to the present day."*

Man, being the strongest of all animals, differs from the rest: he was obliged to be his own domesticator; he had to tame himself. And the way in which it happened was, that the most obedient, the

* "Ethnological Society's Transactions," Vol. iii., page 147.

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tamest tribes are, at the first stage in the real struggle of life, the strongest and the conquerors. All are very wild then: the animal vigor, the savage virtue of the race has died out in none, and all have enough of it. But what makes one tribe—one incipient tribe, one bit of a tribe—to differ from another is their relative faculty of coherence. The slightest symptom of legal development, the least indication of a military bond, is then enough to turn the scale; the compact tribes win, and the compact tribes are the tamest. Civilization begins because the beginning of civilization is a military advantage.

Probably if we had historic records of the ante-historic ages,—if some superhuman power had set down the thoughts and actions of men ages before they could set them down for themselves,—we should know that this first step in civilization was the hardest step: but when we come to history as it is, we are more struck with the difficulty of the next step. All the absolutely incoherent men—all the "Cyclopes"—have been cleared away long before there was an authentic account of them; and the least coherent only remain in the "protected" parts of the world, as we may call them. Ordinary civilization begins near the Mediterranean Sea; the best, doubtless, of the ante-historic civilizations were not far off: from this center the conquering *swarm*—for such it is—has grown and grown, has widened its subject territories steadily though not equably, age by age. But geography long defied it: an Atlantic Ocean, a Pacific Ocean, an Australian Ocean, an unapproachable interior Africa, an inaccessible and undesirable hill India were beyond its range. In such remote places there was no real competition, and on them inferior half-combined men continued to exist: but in the regions of rivalry—the regions where the better man pressed upon the worse man—such half-made associations could not last; they died out, and history did not begin till after they were

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gone. The great difficulty which history records is not that of the first step, but that of the second step. What is most evident is, not the difficulty of getting a fixed law, but getting out of a fixed law; not of cementing (as upon a former occasion I phrased it) a cake of custom, but of breaking the cake of custom; not of making the first preservative habit, but of breaking through it and reaching something better.

This is the precise case with the whole family of arrested civilizations. A large part — a very large part — of the world seems to be ready to advance to something good, to have prepared all the means to advance to something good, and then to have stopped and not advanced. India, Japan, China, almost every sort of Oriental civilization, though differing in nearly all other things, are in this alike: they look as if they had paused when there was no reason for pausing, when a mere observer from without would say they were likely not to pause.

The reason is, that only those nations can progress which preserve and use the fundamental peculiarity which was given by nature to man's organism as to all other organisms. By a law of which we know no reason, but which is among the first by which Providence guides and governs the world, there is a tendency in descendants to be like their progenitors, and yet a tendency also in descendants to *differ* from their progenitors. The work of nature in making generations is a patchwork, — part resemblance, part contrast; in certain respects each born generation is not like the last born, and in certain other respects it is like the last. But the peculiarity of arrested civilization is to kill out varieties at birth almost; that is, in early childhood, and before they can develop. The fixed custom which public opinion alone tolerates is imposed on all minds, whether it suits them or not: in that case the community feel that this custom is the only shelter from bare tyranny, and the only security for what they value. Most

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Oriental communities live on land which in theory is the property of a despotic sovereign, and neither they nor their families could have the elements of decent existence unless they held the land upon some sort of fixed terms; land in that state of society is (for all but a petty skilled minority) a necessary of life, and all the unincreasable land being occupied, a man who is turned out of his holding is turned out of this world and must die. And our notion of written leases is as out of place in a world without writing and without reading as a House of Commons among Andaman-Islanders. Only one check, one sole shield for life and good, is then possible, — usage; and it is but too plain how, in such places and periods, men cling to customs because customs alone stand between them and starvation.

A still more powerful cause co-operated, if a cause more powerful can be imagined. Dryden had a dream of an early age "when wild in woods the noble savage ran";* but "when lone in woods the cringing savage crept" would have been more like all we know of that early, bare, painful period. Not only had they no comfort, no convenience, not the very beginnings of an epicurean life, but their mind within was as painful to them as the world without: it was full of fear. So far as the vestiges inform us, they were afraid of everything: they were afraid of animals, of certain attacks by near tribes and of possible inroads from far tribes, — but above all things they were frightened of "the world." The spectacle of nature filled them with awe and dread; they fancied there were powers behind it which must be pleased, soothed, flattered, and this very often in a number of hideous ways. We have too many such religions even among races of great cultivation: men change their religions more slowly than they change anything else, and accordingly we have religions "of the ages" — it is Mr. Jowett who so calls them — "of the ages before morality"; of ages of which the civil life, the common

* "Conquest of Granada," Act i., Scene 1.

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maxims, and all the secular thoughts have long been dead. "Every reader of the classics," said Dr. Johnson, "finds their mythology tedious." In that old world, which is so like our modern world in so many things, — so much more like than many far more recent or some that live beside us, — there is a part in which we seem to have no kindred, which we stare at, of which we cannot think how it could be credible or how it came to be thought of: this is the archaic part of that very world which we look at as so ancient; an "antiquity" which descended to them — hardly altered, perhaps — from times long antecedent, which were as unintelligible to them as to us, or more so. How this terrible religion (for such it was in all living detail, though we make and the ancients then made an artistic use of the more attractive bits of it) weighed on man, the great poem of Lucretius, the most of a nineteenth-century poem of any in antiquity, brings before us with a feeling so vivid as to be almost a feeling of our own. Yet the classical religion is a mild and tender specimen of the preserved religions: to get at the worst, you should look where the destroying competition has been least, — at America, where sectional civilization was rare and a pervading coercive civilization did not exist; at such religions as those of the Aztecs.

At first sight it seems impossible to imagine what conceivable function such awful religions can perform in the economy of the world, and no one can fully explain them; but one use they assuredly had, — they fixed the yoke of custom thoroughly on mankind. They were the prime agents of the era: they put upon a fixed law a sanction so fearful that no one could dream of not conforming to it.

No one will ever comprehend the arrested civilizations unless he sees the strict dilemma of early society. Either men had no law at all, and lived in confused tribes hardly hanging together, or they had to obtain a fixed law by processes of incredible

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difficulty; those who surmounted that difficulty soon destroyed all those that lay in their way who did not — and then they themselves were caught in their own yoke. The customary discipline, which could only be imposed on any early men by terrible sanctions, continued with those sanctions, and killed out of the whole society the propensities to variation which are the principle of progress.

Experience shows how incredibly difficult it is to get men really to encourage the principle of originality: they will admit it in theory, but in practice the old error — the error which arrested a hundred civilizations — returns again. Men are too fond of their own life, too credulous of the completeness of their own ideas, too angry at the pain of new thoughts, to be able to bear easily with a changing existence; or else, *having* new ideas, they want to enforce them on mankind, — to make them heard and admitted and obeyed before, in simple competition with other ideas, they would ever be so naturally. At this very moment there are the most rigid Comtists teaching that we ought to be governed by a hierarchy, — a combination of *savans* orthodox in science: yet who can doubt that Comte would have been hanged by his own hierarchy; that his *essor matériel*, which was in fact troubled by the "theologians and metaphysicians" of the Polytechnic School, would have been more impeded by the government he wanted to make? And then the secular Comtists, Mr. Harrison and Mr. Beesly, who want to "Frenchify the English institutions," — that is, to introduce here an imitation of the Napoleonic system, a dictatorship founded on the proletariat, — who can doubt that if both these clever writers had been real Frenchmen they would have been irascible anti-Bonapartists, and have been sent to Cayenne long ere now? The wish of these writers is very natural: they want to "organize society," — to erect a despot who will do what they like and work out their ideas; but any despot will do what

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he himself likes, and will root out new ideas ninety-nine times for once that he introduces them.

Again, side by side with these Comtists, and warring with them,— at least with one of them,— is Mr. Arnold, whose poems we know by heart, and who has, as much as any living Englishman, the genuine literary impulse; and yet even he wants to put a yoke upon us,— and worse than a political yoke, an academic yoke, a yoke upon our minds and our styles. He too asks us to imitate France; and what else can we say than what the two most thorough Frenchmen of the last age did say?

"Dans les corps à talent, nulle distinction ne fait ombrage si ce n'est pas celle du talent. Un duc et pair honore l'Académie Française, qui ne veut point de Boileau, refuse La Bruyère, fait attendre Voltaire, mais reçoit tout d'abord Chapelain et Conrart. De même nous voyons à l'Académie Grecque le vicomte invité, Corai repoussé, lorsque Jomard y entre comme dans un moulin." *

Thus speaks Paul-Louis Courier in his own brief inimitable prose; and a still greater writer, a real Frenchman if ever there was one, and (what many critics would have denied to be possible) a great poet by reason of his *most* French characteristics,— Béranger,— tells us in verse: —

"Je croyais voir le président
Faire bâiller en répondant
Que l'on vient de perdre un grand homme:
Que moi je le vaux, Dieu sait comme.
Mais ce président sans façon †
Ne pérore ici qu'en chanson:
Toujours trop tôt sa harangue est finie.
Non, non, ce n'est point comme à l'Académie;
Ce n'est point comme à l'Académie.

* "In bodies of talent, no distinction except that of talent gives offense. A duke and peer honors the Académie Française, which wants nothing of Boileau, refuses La Bruyère, makes Voltaire wait, but admits Chapelain and Conrart at once. Similarly, we see at the Académie Grecque the viscount invited, Corai rejected, while Jomard enters as into a mill." [But Chapelain and Conrart were of the founders of the Academy; the "Société de Conrart," which met at the latter's house, was its germ. — Ed.]

† Désaugiers.

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"Admis enfin, aurai-je alors,
Pour tout esprit, l'esprit de corps?
Il rend le bon sens, quoi qu'on dise,
Solidaire de la sottise;
Mais dans votre société,
L'esprit de corps c'est la gaîté.
Cet esprit-là règne sans tyrannie.
Non, non, ce n'est point comme à l'Académie;
Ce n'est point comme à l'Académie." *

Asylums of commonplace, he hints, academies must ever be. But that sentence is too harsh; the true one is, the academies are asylums of the ideas and the tastes of the last age. "By the time," I have heard a most eminent man of science observe, "by the time a man of science attains eminence on any subject he becomes a nuisance upon it, because he is sure to retain errors which were in vogue when he was young but which the new race have refuted." These are the sort of ideas which find their home in academies, and out of their dignified windows pooh-pooh new things.

I may seem to have wandered far from early society, but I have not wandered: the true scientific

* "Methought I saw the chairman bring
A yawn about in answering
That death has laid a great man low;
That I'm his equal—God knows how.
But this unfashionable head
Harangues us with a song instead;
Too short his speech is always sure to be.
No, no, this isn't like the Académie,
It isn't like the Académie.

"At last a member, have I hit
Esprit de corps in place of wit? †
It makes good sense, say what you will,
Responsible for nonsense still;
But in our little polity,
The *esprit de corps* is jollity.
That spirit reigns, but still it leaves us free.
No, no, this isn't like the Académie,
It isn't like the Académie."
(From "L'Académie et la Caveau.")

† The play on *esprit* is untranslatable.

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method is to explain the past by the present, — what we see by what we do not see. We can only comprehend why so many nations have not varied, when we see how hateful variation is; how everybody turns against it; how not only the conservatives of speculation try to root it out, but the very innovators invent most rigid machines for crushing the "monstrosities and anomalies," — the new forms out of which, by competition and trial, the best is to be selected for the future. The point I am bringing out is simple: one most important prerequisite of a prevailing nation is, that it should have passed out of the first stage of civilization into the second stage, out of the stage where permanence is most wanted into that where variability is most wanted; and you cannot comprehend why progress is so slow till you see how hard the most obstinate tendencies of human nature make that step to mankind.

Of course the nation we are supposing must keep the virtues of its first stage as it passes into the after stage, else it will be trodden out; it will have lost the savage virtues in getting the beginning of the civilized virtues, and the savage virtues which tend to war are the daily bread of human nature. Carlyle said in his graphic way, "The ultimate question between every two human beings is, 'Can I kill thee or canst thou kill me?'" History is strewn with the wrecks of nations which have gained a little progressiveness at the cost of a great deal of hard manliness, and have thus prepared themselves for destruction as soon as the movements of the world gave a chance for it. But these nations have come out of the "pre-economic stage" too soon; they have been put to learn while yet only too apt to unlearn. Such cases do not vitiate, they confirm, the principle that a nation which has just gained variability without losing legality has a singular likelihood to be a prevalent nation.

No nation admits of an abstract definition, — all nations are beings of many qualities and many sides;

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no historical event exactly illustrates any one principle; every cause is intertwined and surrounded with a hundred others. The best history is but like the art of Rembrandt: it casts a vivid light on certain selected causes,—on those which were best and greatest,—it leaves all the rest in shadow and unseen. To make a single nation illustrate a principle, you must exaggerate much and you must omit much; but not forgetting this caution, did not Rome—the prevalent nation in the ancient world—gain her predominance by the principle on which I have dwelt? In the thick crust of her legality there was hidden a little seed of adaptiveness. Even in her law itself, no one can fail to see that binding as was the habit of obedience, coercive as use and wont at first seem, a hidden impulse of extrication *did* manage, in some queer way, to change the substance while conforming to the accidents,—to do what was wanted for the new time while seeming to do only what was directed by the old time. And the moral of their whole history is the same: each Roman generation, so far as we know, differs a little—and in the best times often but a *very* little—from its predecessors; and therefore the history is so continuous as it goes, though its two ends are so unlike. The history of many nations is like the stage of the English drama: one scene is succeeded on a sudden by a scene quite different,—a cottage by a palace, and a windmill by a fortress. But the history of Rome changes as a good diorama changes: while you look, you hardly see it alter; each moment is hardly different from the last moment: yet at the close the metamorphosis is complete, and scarcely anything is as it began. Just so in the history of the great prevailing city: you begin with a town and you end with an empire, and this by unmarked stages. So shrouded, so shielded in the coarse fiber of other qualities was the delicate principle of progress, that it never failed and it was never broken.

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One standing instance, no doubt, shows that the union of progressiveness and legality does not secure supremacy in war: the Jewish nation has its type of progress in the prophets, side by side with its type of permanence in the law and Levites, more distinct than any other ancient people. Nowhere in common history do we see the two forces — both so necessary and both so dangerous — so apart and so intense: Judæa changed in inward thought, just as Rome changed in exterior power; each change was continuous, gradual, and good. In early times every sort of advantage tends to become a military advantage; such is the best way then to keep it alive: but the Jewish advantage never did so,— beginning in religion, contrary to a thousand analogies it remained religious. *For* that we care for them; *from* that have issued endless consequences. But I cannot deal with such matters here, nor are they to my purpose: as respects this essay, Judæa is an example of combined variability and legality not investing itself in warlike power, and so perishing at last, but bequeathing nevertheless a legacy of the combination in imperishable mental effects.

It may be objected that this principle is like saying that men walk when they do walk and sit when they do sit. The problem is, Why do men progress? and the answer suggested seems to be, that they progress when they have a certain sufficient amount of variability in their nature. This seems to be the old style of explanation by occult qualities; it seems like saying that opium sends men to sleep because it has a soporific virtue, and bread feeds because it has an alimentary quality. But the explanation is not so absurd. It says, "the beginning of civilization is marked by an intense legality; that legality is the very condition of its existence, the bond which ties it together: but that legality,— that tendency to impose a settled customary yoke upon all men and all actions, — if it goes on, kills out the variability implanted by

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nature, and makes different men and different ages fac-similes of other men and other ages, as we see them so often. Progress is only possible in those happy cases where the force of legality has gone far enough to bind the nation together, but not far enough to kill out all varieties and destroy nature's perpetual tendency to change." The point of the solution is not the invention of an imaginary agency, but an assignment of comparative magnitude to two known agencies.

III.

THIS advantage is one of the greatest in early civilization, — one of the facts which give a decisive turn to the battle of nations; but there are many others. A little perfection in *political institutions* may do it. Travelers have noticed that among savage tribes those seemed to answer best in which the monarchical power was most predominant, and those worst in which the "rule of many" was in its vigor. So long as war is the main business of nations, temporary despotism — despotism during the campaign — is indispensable: Macaulay justly said that many an army has prospered under a bad commander, but no army has ever prospered under a "debating society";* that "many-headed monster" † is then fatal. Despotism grows in the first societies just as democracy grows in more modern societies: it is the government answering the primary need and congenial to the whole spirit of the time. But despotism is unfavorable to the principle of variability, as all history shows: it tends to keep men in the customary stage of civilization. Its very fitness for that age unfits it for the next: it prevents men from passing into the first age of progress, the *very* slow and *very* gradually improving age. Some "standing system" of semi-free discussion is as necessary to break the thick crust of custom and begin progress as it is in later ages to

* See note to page 569. † "Lady of the Lake," Canto vi.

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carry on progress when begun; probably it is even more necessary: and in the most progressive races we find it. I have spoken already of the Jewish prophets, the life of that nation and the principle of all its growth; but a still more progressive race — that by which secular civilization was once created, by which it is now mainly administered — had a still better instrument of progression.

"In the very earliest glimpses," says Mr. Freeman, "of Teutonic political life, we find the monarchic, the aristocratic, and the democratic elements already clearly marked. There are leaders with or without the royal title,— there are men of noble birth, whose noble birth (in whatever the original nobility may have consisted) entitles them to a pre-eminence in every way; but beyond these there is a free and armed people, in whom it is clear that the ultimate sovereignty resides. Small matters are decided by the chiefs alone; great matters are submitted by the chiefs to the assembled nation. Such a system is far more than Teutonic: it is a common Aryan possession; it is the constitution of the Homeric Achaians on earth and of the Homeric gods on Olympus." Perhaps, and indeed probably, this constitution may be that of the primitive tribe which Romans left to go one way and Greeks to go another and Teutons to go a third,— the tribe took it with them as the English take the common law with them, because it was the one kind of polity which they could conceive and act upon; or it may be that the emigrants from the primitive Aryan stock only took with them a good aptitude,— an excellent political nature, which similar circumstances in distant countries were afterwards to develop into like forms. But anyhow it is impossible not to trace the supremacy of Teutons, Greeks, and Romans in part to their common form of government. The contests of the assembly cherished the principle of change; the influence of the

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elders insured sedateness and preserved the mold of thought; and in the best cases, military discipline was not impaired by freedom, though military intelligence was enhanced with the general intelligence. A Roman army was a free body, at its own choice governed by a peremptory despotism.

The *mixture of races* was often an advantage too. Much as the old world believed in pure blood, it had very little of it. Most historic nations conquered prehistoric nations, and though they massacred many they did not massacre all; they enslaved the subject men and they married the subject women. No doubt the whole bond of early society was the bond of descent; no doubt it was essential to the notions of a new nation that it should have had common ancestors: the modern idea that vicinity of habitation is the natural cement of civil union would have been repelled as an impiety if it could have been conceived as an idea. But by one of those legal fictions which Sir Henry Maine describes so well, primitive nations contrived to do what they found convenient as well as to adhere to what they fancied to be right; when they did not beget they *adopted*, — they solemnly made believe that new persons were descended from the old stock, though everybody knew that in flesh and blood they were not. They made an artificial unity in default of a real unity, and — what it is not easy to understand now — the sacred sentiment requiring unity of race was somehow satisfied; what was made did as well as what was born. Nations with this sort of maxims are not likely to have unity of race in the modern sense, and as a physiologist understands it. What sorts of unions improve the breed, and which are worse than both the father race and the mother, it is not very easy to say. The subject was reviewed by M. Quatrefages in an elaborate report upon the occasion of the French Exhibition, of all things in the world. M. Quatrefages quotes from another writer the phrase that South America is a

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great laboratory of experiments in the mixture of races, and reviews the different results which different cases have shown. In South Carolina the mulatto race is not very prolific, whereas in Louisiana and Florida it decidedly is so. In Jamaica and in Java the mulatto cannot reproduce itself after the third generation; but on the continent of America, as everybody knows, the mixed race is now most numerous, and spreads generation after generation without impediment. Equally various likewise in various cases has been the fate of the mixed race between the white man and the native American: sometimes it prospers, sometimes it fails. And M. Quatrefages concludes his description thus: — "En acceptant comme vraies toutes les observations qui tendent à faire admettre qu'il en sera autrement dans les localités dont j'ai parlé plus haut, quelle est la conclusion à tirer de faits aussi peu semblables? Evidemment, on est obligé de reconnaître que le développement de la race mulâtre est favorisé, retardé, ou empêché par des circonstances locales; en d'autres termes, qu'il dépend des influences exercées par l'ensemble des conditions d'existence, — par le *milieu*."* By which I understand him to mean that the mixture of race sometimes brings out a form of character better suited than either parent form to the place and time; that in such cases, by a kind of natural selection, it dominates over both parents and perhaps supplants both; whereas in other cases the mixed race is not as good then and there as other parent forms, and then it passes away soon and of itself.

Early in history the continual mixtures by conquest were just so many experiments in mixing races

* "Accepting as true all the observations which tend to compel the admission that it may be otherwise in the localities of which I have spoken above, what is the conclusion to draw from facts so little similiar? Evidently we are obliged to recognize that the development of the mulatto race is favored, retarded, or prevented by local circumstances; in other words, that it depends on the influence exercised by the whole of the conditions of existence, — by the *milieu*."

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as are going on in South America now; new races wandered into new districts, and half killed, half mixed with the old races: and the result was doubtless as various and as difficult to account for then as now,—sometimes the crossing answered, sometimes it failed. But when the mixture was at its best, it must have excelled both parents in that of which so much has been said,—that is, variability, and consequently progressiveness: there is more life in mixed nations. France, for instance, is justly said to be the mean term between the Latin and the German races. A Norman, as you may see by looking at him, is of the North; a Provençal is of the South, of all that there is most southern. You have in France Latin, Celtic, German, compounded in an infinite number of proportions: one as she is in feeling, she is various not only in the past history of her various provinces, but in their present temperaments. Like the Irish element and the Scotch element in the English House of Commons, the variety of French races contributes to the play of the polity; it gives a chance for fitting new things which otherwise there would not be. And early races must have wanted mixing more than modern races. It is said, in answer to the Jewish boast that "their race still prospers, though it is scattered and breeds in-and-in," "You prosper *because* you are so scattered: by acclimatization in various regions your nation has acquired singular elements of variety; it contains within itself the principle of variability which other nations must seek by intermarriage." In the beginning of things there was certainly no cosmopolitan race like the Jews: each race was a sort of "parish race," narrow in thought and bounded in range, and it wanted mixing accordingly.

But the mixture of races has a singular danger as well as a singular advantage in the early world. We know now the Anglo-Indian suspicion or contempt for "half-castes": the union of the Englishman and the Hindoo produces something not only between

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races, but *between moralities*,—they have no inherited creed or plain place in the world, they have none of the fixed traditional sentiments which are the stays of human nature. In the early world many mixtures must have wrought many ruins; they must have destroyed what they could not replace,—an inbred principle of discipline and of order. But if these unions of races did not work thus,—if for example the two races were so near akin that their morals united as well as their breeds, if one race by its great numbers and prepotent organization so presided over the other as to take it up and assimilate it and leave no separate remains of it, *then* the admixture was invaluable: it added to the probability of variability and therefore of improvement; and if that improvement even in part took the military line, it might give the mixed and ameliorated state a steady advantage in the battle of nations and a greater chance of lasting in the world.

Another mode in which one state acquires a superiority over competing states is by *provisional* institutions, if I may so call them. The most important of these, slavery, arises out of the same early conquest as the mixture of races. A slave is an unassimilated, an undigested atom; something which is in the body politic, but yet is hardly part of it. Slavery, too, has a bad name in the later world, and very justly: we connect it with gangs in chains, with laws which keep men ignorant, with laws that hinder families. But the evils which we have endured from slavery in recent ages must not blind us to or make us forget the great services that slavery rendered in early ages. There is a wonderful presumption in its favor: it is one of the institutions which at a certain stage of growth all nations in all countries choose and cleave to. "Slavery," says Aristotle, "exists by the law of nature;"* meaning that it was everywhere to be found, was a rudimentary universal point of polity. There are very many

* "Politica," Book i. *et seq.*

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English colonies, said Edward Gibbon Wakefield as late as 1848, "which would get slaves to-morrow if we would let them;"* and he was speaking not only of old colonies trained in slavery and raised upon the products of it, but likewise of new colonies started by freemen, and which ought, one would think, to wish to contain freemen only. But Wakefield knew what he was saying; he was a careful observer of rough societies, and he had watched the minds of men in them. He had seen that *leisure* is the great need of early societies, and slaves only can give men leisure. All freemen in new countries must be pretty equal: every one has labor and every one has land; capital, at least in agricultural countries (for pastoral countries are very different), is of little use, — it cannot hire labor, the laborers go and work for themselves. There is a story often told of a great English capitalist who went out to Australia with a ship-load of laborers and a carriage; his plan was, that the laborers should build a house for him and that he would keep his carriage, just as in England: but (so the story goes) he had to try to live in his carriage, for the laborers left him and went away to work for themselves.

In such countries there can be few gentlemen and no ladies. Refinement is only possible when leisure is possible, and slavery first makes it possible: it creates a set of persons born to work that others may not work, and not to think in order that others may think. The sort of originality which slavery gives is of the first practical advantage in early communities; and the repose it gives is a great artistic advantage when they come to be described in history. The patriarchs Abraham, Isaac, and Jacob could not have had the steady calm which marks them, if they had themselves been teased and hurried about their flocks and herds. Refinement of feeling and repose of appearance have indeed no market value in the early bidding of nations; they do not

* "View of the Art of Colonization," Letter xlv.

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tend to secure themselves a long future, or any future; but originality in war does, and slave-owning nations, having time to think, are likely to be more shrewd in policy and more crafty in strategy.

No doubt this momentary gain is bought at a ruinous after-cost: when other sources of leisure become possible the one use of slavery is past, but all its evils remain and even grow worse. "Retail" slavery — the slavery in which a master owns a few slaves, whom he well knows and daily sees — is not at all an intolerable state: the slaves of Abraham had no doubt a fair life, as things went in that day. But "wholesale" slavery — where men are but one of the investments of large capital, and where a great owner, so far from knowing each slave, can hardly tell how many gangs of them he works — is an abominable state; this is the slavery which has made the name revolting to the best minds, and has nearly rooted the thing out of the best of the world. There is no out-of-the-way marvel in this: the whole history of civilization is strewn with creeds and institutions which were invaluable at first and deadly afterwards. Progress would not have been the rarity it is if the early food had not been the late poison. A full examination of these provisional institutions would need half a volume, and would be out of place and useless here; venerable oligarchy, august monarchy, are two that would alone need large chapters: but the sole point here necessary is, to say that such preliminary forms and feelings at first often bring many graces and many refinements, and often tend to secure them by the preservative military virtue.

There are cases in which some step in *intellectual* progress gives an early society some gain in war; more obvious cases are, when some kind of *moral* quality gives some such gain. War both needs and generates certain virtues; not the highest, but what may be called the preliminary virtues, as valor, veracity, the spirit of obedience, the habit of discipline. Any of these and of others like them, when possessed

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by a nation, and no matter how generated, will give them a military advantage, and make them more likely to *stay* in the race of nations. The Romans probably had as much of these efficacious virtues as any race of the ancient world,—perhaps as much as any race in the modern world too; and the success of the nations which possess these martial virtues has been the great means by which their continuance has been secured in the world, and the destruction of the opposite vices insured also. Conquest is the missionary of valor, and the hard impact of military virtues beats meanness out of the world.

In the last century it would have sounded strange to speak, as I am going to speak, of the military advantage of *religion;* such an idea would have been opposed to ruling prejudices, and would hardly have escaped philosophical ridicule: but the notion is but a commonplace in our day, for a man of genius has made it his own. Mr. Carlyle's books are deformed by phrases like "infinities" and "verities," and altogether are full of faults which attract the very young and deter all that are older; in spite of his great genius, after a long life of writing, it is a question still whether even a single work of his can take a lasting place in high literature; there is a want of sanity in their manner which throws a suspicion on their substance (though it is often profound), and he brandishes one or two fallacies, of which he has himself a high notion but which plain people will always detect and deride: but whatever may be the fate of his fame, Mr. Carlyle has taught the present generation many lessons, and one of these is, that "God-fearing" armies are the best armies. Before his time people laughed at Cromwell's saying, "Trust in God and keep your powder dry;" but we now know that the trust was of as much use as the powder, if not of more,—that high concentration of steady feeling makes men dare everything and do anything.

This subject would run to an infinite extent if any one were competent to handle it. Those kinds of

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morals and that kind of religion which tend to make the firmest and most effectual character are sure to prevail, all else being the same; and creeds or systems that conduce to a soft limp mind tend to perish, except some hard extrinsic force keep them alive. Thus Epicureanism never prospered at Rome, but Stoicism did: the stiff serious character of the great prevailing nation was attracted by what seemed a confirming creed, and deterred by what looked like a relaxing creed. The inspiriting doctrines fell upon the ardent character, and so confirmed its energy. Strong beliefs win strong men, and then make them stronger. Such is no doubt one cause why monotheism tends to prevail over polytheism: it produces a higher, steadier character, calmed and concentrated by a great single object; it is not confused by competing rites or distracted by miscellaneous deities. Polytheism is religion *in commission*, and it is weak accordingly. But it will be said, The Jews who were monotheist were conquered by the Romans who were polytheist: Yes, it must be answered, because the Romans had other gifts; they had a capacity for politics, a habit of discipline, and of these the Jews had not the least. The religious advantage *was* an advantage, but it was counterweighed.

No one should be surprised at the prominence given to war. We are dealing with early ages: nation-*making* is the occupation of man in these ages, and it is war that makes nations. Nation-*changing* comes afterwards, and is mostly effected by peaceful revolution, though even then war too plays its part. The idea of an indestructible nation is a modern idea; in early ages all nations were destructible, and the further we go back the more incessant was the work of destruction. The internal decoration of nations is a sort of secondary process, which succeeds when the main forces that create nations have principally done their work. We have here been concerned with the political scaffolding; it will be the

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task of other papers to trace the process of political finishing and building. The nicer play of finer forces may then require more pleasing thoughts than the fierce fights of early ages can ever suggest. It belongs to the idea of progress that beginnings can never seem attractive to those who live far on: the price of improvement is, that the unimproved will always look degraded.

But how far are the strongest nations really the best nations? how far is excellence in war a criterion of other excellence? I cannot answer this now fully, but three or four considerations are very plain. War, as I have said, nourishes the "preliminary" virtues, and this is almost as much as to say that there are virtues which it does not nourish. All which may be called "grace" as well as virtue it does not nourish: humanity, charity, a nice sense of the rights of others, it certainly does not foster. The insensibility to human suffering which is so striking a fact in the world as it stood when history first reveals it is doubtless due to the warlike origin of the old civilization: bred in war and nursed in war, it could not revolt from the things of war, and one of the principal of these is human pain. Since war has ceased to be the moving force in the world, men have become more tender one to another, and shrink from what they used to inflict without caring; and this not so much because men are improved (which may or may not be in various cases), but because they have no longer the daily habit of war,—have no longer formed their notions upon war, and therefore are guided by thoughts and feelings which soldiers as such—soldiers educated simply by their trade—are too hard to understand.

Very like this is the contempt for physical weakness and for women which marks early society too: the non-combatant population is sure to fare ill during the ages of combat. But these defects too are cured or lessened: women have now marvelous

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means of winning their way in the world, and mind without muscle has far greater force than muscle without mind. These are some of the after-changes in the interior of nations, of which the causes must be scrutinized; and I now mention them only to bring out how many softer growths have now half hidden the old and harsh civilization which war made.

But it is very dubious whether the spirit of war does not still color our morality far too much. Metaphors from law and metaphors from war make most of our current moral phrases, and a nice examination would easily explain that both rather vitiate what both often illustrate. The military habit makes man think far too much of definite action and far too little of brooding meditation: life is not a set campaign but an irregular work, and the main forces in it are not overt resolutions but latent and half-involuntary promptings. The mistake of military ethics is, to exaggerate the conceptions of discipline, and so to present the moral force of the will in a barer form than it ever ought to take: military morals can direct the axe to cut down the trees, but it knows nothing of the quiet force by which the forest grows.

What has been said is enough, I hope, to bring out that there are many qualities and many institutions of the most various sort[s] which give nations an advantage in military competition; that most of these and most warlike qualities tend principally to good; that the constant winning of these favored competitors is the particular mode by which the best qualities wanted in elementary civilization are propagated and preserved.

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No. III.

NATION-MAKING.

In the last essay I endeavored to show that in the early age of man — the "fighting age" I called it — there was a considerable though not certain tendency towards progress: the best nations conquered the worst; by the possession of one advantage or another the best competitor overcame the inferior competitor. So long as there was continual fighting, there was a likelihood of improvement in martial virtues: and in early times many virtues are really "martial" — that is, tend to success in war — which in later times we do not think of so calling because the[ir] original usefulness is hidden by their later usefulness; we judge of them by the[ir] present effects, not by their first. The love of law, for example, is a virtue which no one now would call martial; yet in early times it disciplined nations, and the disciplined nations won. The gift of "conservative innovation" — the gift of *matching* new institutions to old — is not nowadays a warlike virtue, yet the Romans owed much of their success to it: alone among ancient nations, they had the deference to usage which combines nations and the partial permission of selected change which improves nations; and therefore they succeeded. Just so in most cases, all through the earliest times, martial merit is a token of real merit: the nation that wins is the nation that ought to win. The simple virtues of such ages mostly make a man a soldier if they make him anything. No doubt the brute force of number may be too potent even then (as so often

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it is afterwards): civilization may be thrown back by the conquest of many very rude men over a few less rude men. But the first elements of civilization are great military advantages; and roughly it is a rule of the first times that you can infer merit from conquest, and that progress is promoted by the competitive examination of constant war.

This principle explains at once why the "protected" regions of the world—the interior of continents like Africa, outlying islands like Australia or New Zealand—are of necessity backward. They are still in the preparatory school; they have not been taken on class by class, as No. 2, being a little better, routed and effaced No. 1, and as No. 3, being a little better still, routed and effaced No. 2. And it explains why Western Europe was early in advance of other countries, because there the contest of races was exceedingly severe: unlike most regions, it was a tempting part of the world and yet not a corrupting part; those who did not possess it wanted it, and those who had it, not being enervated, could struggle hard to keep it. The conflict of nations is at first a main force in the improvement of nations.

But what *are* nations? What are these groups which are so familiar to us, and yet if we stop to think, so strange; which are as old as history; which Herodotus found in almost as great numbers and with quite as marked distinctions as we see them now? What breaks the human race up into fragments so unlike one another, and yet each in its interior so monotonous? The question is most puzzling, though the fact is so familiar, and I would not venture to say that I can answer it completely; though I can advance some considerations which as it seems to me go a certain way towards answering it. Perhaps these same considerations throw some light too on the further and still more interesting question, why some few nations progress and why the greater part do not.

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Of course at first all such distinctions of nation and nation were explained by original diversity of race: they *are* dissimilar, it was said, because they were created dissimilar. But in most cases this easy supposition will not do its work: you cannot, consistently with plain facts, imagine enough original races to make it tenable; some half-dozen or more great families of men may or may not have been descended from separate first stocks, but sub-varieties have certainly not so descended. You may argue, rightly or wrongly, that all Aryan nations are of a single or peculiar origin, just as it was long believed that all Greek-speaking nations were of one such stock; but you will not be listened to if you say that there were one Adam and Eve for Sparta and another Adam and Eve for Athens. All Greeks are evidently of one origin; but within the limits of the Greek family, as of all other families, there is some contrast-making force which causes city to be unlike city and tribe unlike tribe.

Certainly, too, nations did not originate by simple natural selection, as wild varieties of animals (I do not speak now of species) no doubt arise in nature. Natural selection means the preservation of those individuals which struggle best with the forces that oppose their race; but you could not show that the natural obstacles opposing human life much differed between Sparta and Athens, or indeed between Rome and Athens, and yet Spartans, Athenians, and Romans differ essentially. Old writers fancied (and it was a very natural idea) that the direct effect of climate — or rather of land, sea, and air, and the sum total of physical conditions — varied man from man and changed race to race; but experience refutes this. The English immigrant lives in the same climate as the Australian or Tasmanian; but he has not become like those races, nor will a thousand years in most respects make him like them. The Papuan and the Malay, as Mr. Wallace finds, live now and have lived

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for ages side by side in the same tropical regions, with every sort of diversity. Even in animals his researches show as by an object-lesson that the direct efficacy of physical conditions is overrated.

"Borneo," he says, "closely resembles New Guinea, not only in its vast size and its freedom from volcanoes, but in its variety of geological structure, its uniformity of climate, and the general aspect of the forest vegetation that clothes its surface; the Moluccas are the counterpart of the Philippines in their volcanic structure, their extreme fertility, their luxuriant forests, and their frequent earthquakes; and Bali with the east end of Java has a climate almost as dry and a soil almost as arid as that of Timor. Yet between these corresponding groups of islands — constructed as it were after the same pattern, subjected to the same climate, and bathed by the same oceans — there exists the greatest possible contrast when we compare their animal productions. Nowhere does the ancient doctrine, that differences or similarities in the various forms of life that inhabit different countries are due to corresponding physical differences or similarities in the countries themselves, meet with so direct and palpable a contradiction. Borneo and New Guinea, as alike physically as two distinct countries can be, are zoölogically as wide as the poles asunder; while Australia, with its dry winds, its open plains, its stony deserts, and its temperate climate, yet produces birds and quadrupeds which are closely related to those inhabiting the hot, damp, luxuriant forests which everywhere clothe the plains and mountains of New Guinea." *

That is, we have like living things in the most dissimilar situations, and unlike living things in the most similar ones. And though some of Mr. Wallace's speculations on ethnology may be doubtful, no one doubts that in the archipelago he has studied so well, as often elsewhere in the world though rarely with such marked emphasis, we find like men in contrasted places and unlike men in resembling places: climate is clearly not *the* force which makes nations, for it does not always make them and they are often made without it.

The problem of "nation-making" — that is, the explanation of the origin of nations such as we now

* Alfred Russell Wallace, "Malay Archipelago," Chap. i.

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see them, and such as in historical times they have always been — cannot, as it seems to me, be solved without separating it into two: one, the making of broadly marked races, such as the negro or the red man or the European; and the second, that of making the minor distinctions, such as the distinction between Spartan and Athenian or between Scotchman and Englishman. Nations as we see them are (if my arguments prove true) the produce of two great forces: one the race-making force, which — whatever it was — acted in antiquity, and has now wholly or almost given over acting; and the other the nation-making force properly so called, which is acting now as much as it ever acted and creating as much as it ever created.

The strongest light on the great causes which have formed and are forming nations is thrown by the smaller causes which are altering nations. The way in which nations change, generation after generation, is exceedingly curious, and the change occasionally happens when it is very hard to account for. Something seems to steal over society, say of the Regency time as compared with that of the present Queen: if we read of life at Windsor (at the cottage now pulled down), or of Bond Street as it was in the days of the "Loungers" (an extinct race), or of St. James's Street as it was when Mr. Fox and his party tried to make "political capital" out of the dissipation of an heir-apparent, we seem to be reading not of the places we know so well, but of very distant and unlike localities. Or let any one think how little is the external change in England between the age of Elizabeth and the age of Anne compared with the national change. How few were the alterations in physical condition, how few (if any) the scientific inventions affecting human life which the later period possessed but the earlier did not! How hard it is to say what has caused the change in the people, and yet how total is the contrast, at least at first sight!

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In passing from Bacon to Addison, from Shakespeare to Pope, we seem to pass into a new world.

In the first of these essays I spoke of the mode in which the literary change happens; and I recur to it because, literature being narrower and more definite than life, a change in the less serves as a model and illustration of the change in the greater. Some writer, as was explained, — not necessarily a very excellent writer or a remembered one, — hit on something which suited the public taste; he went on writing, and others imitated him, and they so accustomed their readers to that style that they would bear nothing else. Those readers who did not like it were driven to the works of other ages and other countries, — had to despise the "trash of the day," as they would call it. The age of Anne patronized Steele the beginner of the essay and Addison its perfecter, and it neglected writings in a wholly discordant key. I have heard that the founder of the *Times* was asked how all the articles in the *Times* came to seem to be written by one man, and that he replied, "Oh, there is always some one best contributor, and all the rest copy." And this is doubtless the true account of the manner in which a certain trade-mark, a curious and indefinable unity, settles on every newspaper; perhaps it would be possible to name the men who a few years since created the *Saturday Review* style, now imitated by another and a younger race: but when the style of a periodical is once formed, the continuance of it is preserved by a much more despotic impulse than the tendency to imitation, — by the self-interest of the editor, who acts as *trustee*, if I may say so, for the subscribers. The regular buyers of a periodical want to read what they have been used to read, — the same sort of thought, the same sort of words: the editor sees that they get that sort; he selects the suitable, the conforming articles, and he rejects the non-conforming. What the editor does in the case of a periodical, the readers do in the case of

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literature in general: they patronize one thing and reject the rest.

Of course there was always some reason, if we only could find it, which gave the prominence in each age to some particular winning literature; there always is some reason why the fashion of female dress is what it is: but just as in the case of dress we know that nowadays the determining cause is very much of an accident, so in the case of literary fashion the origin is a good deal of an accident. What the milliners of Paris or the *demi-monde* of Paris enjoin our English ladies is (I suppose) a good deal chance: but as soon as it is decreed, those whom it suits and those whom it does not all wear it; the imitative propensity at once insures uniformity, and "that horrid thing we wore last year" (as the phrase may go) is soon nowhere to be seen. Just so a literary fashion spreads, though I am far from saying with equal primitive unreasonableness: a literary taste always begins on some decent reason, but once started, it is propagated as a fashion in dress is propagated; even those who do not like it read it because it is there, and because nothing else is easily to be found.

The same patronage of favored forms and persecution of disliked forms are the main causes too, I believe, which change national character. Some one attractive type catches the eye, so to speak, of the nation or a part of the nation, as servants catch the gait of their masters, or as mobile girls come home speaking the special words and acting the little gestures of each family whom they may have been visiting. I do not know if many of my readers happen to have read Father Newman's celebrated sermon "Personal Influence the Means of Propagating the Truth"; if not, I strongly recommend them to do so. They will there see the opinion of a great practical leader of men, of one who has led very many where they little thought of going, as to the mode in which

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they are to be led: and what he says, put shortly and simply and taken out of his delicate language, is but this,—that men are guided by *type*, not by argument; that some winning instance must be set up before them, or the sermon will be vain and the doctrine will not spread. I do not want to illustrate this matter from religious history, for I should be led far from my purpose; and after all I can but teach the commonplace that it is the life of teachers which is *catching*, not their tenets. And again, in political matters, how quickly a leading statesman can change the tone of the community! We are most of us earnest with Mr. Gladstone: we were most of us *not* so earnest in the time of Lord Palmerston. The change is what every one feels, though no one can define it. Each predominant mind calls out a corresponding sentiment in the country; most feel it a little: those who feel it much express it much; those who feel it excessively express it excessively; those who dissent are silent or unheard.

After such great matters as religion and politics, it may seem trifling to illustrate the subject from little boys; but it is not trifling. The bane of philosophy is pomposity: people will not see that small things are the miniatures of greater, and it seems a loss of abstract dignity to freshen their minds by object lessons from what they know. But every boarding-school changes as a nation changes. Most of us may remember thinking, "How odd it is that this 'half' should be so unlike last 'half'! now we never go out of bounds, last half we were always going; now we play rounders, then we played prisoner's base:" and so through all the easy life of that time. In fact, some ruling spirits, some one or two ascendant boys, had left, one or two others had come; and so all was changed. The models were changed and the copies changed; a different thing was praised and a different thing bullied. A curious case of the same tendency was noticed to me only lately: a friend of

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mine — a Liberal Conservative — addressed a meeting of workingmen at Leeds, and was much pleased at finding his characteristic and perhaps refined points both apprehended and applauded; "but then," as he narrated, "up rose a blatant Radical who said the very opposite things, and the workingmen cheered him too and quite equally." He was puzzled to account for so rapid a change; but the mass of the meeting was no doubt nearly neutral, and if set going, quite ready to applaud any good words without much thinking. The ringleaders changed: the Radical tailor started the Radical cheer; the more moderate shoemaker started the moderate cheer: and the great bulk followed suit. Only a few in each case were silent, and an absolute contrast was in ten minutes presented by the same elements.

The truth is, that the propensity of man to imitate what is before him is one of the strongest parts of his nature; and one sign of it is the great pain which we feel when our imitation has been unsuccessful. There is a cynical doctrine that most men would rather be accused of wickedness than of *gaucherie;* and this is but another way of saying that the bad copying of predominant manners is felt to be more of a disgrace than common consideration would account for its being, since *gaucherie* in all but extravagant cases is not an offense against religion or morals, but is simply bad imitation.

We must not think that this imitation is voluntary, or even conscious. On the contrary, it has its seat mainly in very obscure parts of the mind, whose notions, so far from having been consciously produced, are hardly felt to exist; so far from being conceived beforehand, are not even felt at the time. The main seat of the imitative part of our nature is our belief, and the causes predisposing us to believe this or disinclining us to believe that are among the obscurest parts of our nature; but as to the imitative nature of credulity there can be no doubt. In

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"Eōthen"* there is a capital description of how every sort of European resident in the East — even the shrewd merchant, and "the post-captain with his bright wakeful eye of command" — comes soon to believe in witchcraft, and to assure you in confidence that "there really is something in it": he has never seen anything convincing himself, but he has seen those who have seen those who have seen those who have seen; in fact, he has lived in an atmosphere of infectious belief, and he has inhaled it. Scarcely any one can help yielding to the current infatuations of his sect or party. For a short time — say some fortnight — he is resolute; he argues and objects: but day by day the poison thrives and reason wanes. What he hears from his friends, what he reads in the party organ, produces its effect. The plain, palpable conclusion which every one around him believes, has an influence yet greater and more subtle, that conclusion seems so solid and unmistakable; his own good arguments get daily more and more like a dream. Soon the gravest sage shares the folly of the party with which he acts and the sect with which he worships.

In true metaphysics I believe that (contrary to common opinion) unbelief far oftener needs a reason and requires an effort than belief. Naturally, and if man were made according to the pattern of the logicians, he would say, "When I see a valid argument I will believe, and till I see such argument I will not believe;" but in fact every idea vividly before us soon appears to us to be true, unless we keep up our perceptions of the arguments which prove it untrue and voluntarily coerce our minds to remember its falsehood. "All clear ideas are true" was for ages a philosophical maxim; and though no maxim can be more unsound, none can be more exactly conformable to ordinary human nature. The child resolutely accepts every idea which passes through its brain as true; it has no distinct conception of an idea which

*Chap. viii., at end.

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is strong, bright, and permanent, but which is false too. The mere presentation of an idea, unless we are careful about it or unless there is within some unusual resistance, makes us believe it; and this is why the belief of others adds to our belief so quickly, for no ideas seem so very clear as those inculcated on us from every side.

The grave part of mankind are quite as liable to these imitated beliefs as the frivolous part. The belief of the money market, which is mainly composed of grave people, is as imitative as any belief: you will find one day every one enterprising, enthusiastic, vigorous, eager to buy and eager to order; in a week or so you will find almost the whole society depressed, anxious, and wanting to sell. If you examine the reasons for the activity or for the inactivity or for the change, you will hardly be able to trace them at all, and as far as you can trace them they are of little force. In fact, these opinions were not formed by reason but by mimicry: something happened that looked a little good, on which eager sanguine men talked loudly, and common people caught their tone; a little while afterwards, and when people were tired of talking this, something also happened looking a little bad, on which the dismal anxious people began, and all the rest followed their words: and in both cases an avowed dissentient is set down as "crotchety." "If you want," said Swift, "to gain the reputation of a sensible man, you should be of the opinion of the person with whom for the time being you are conversing." There is much quiet intellectual persecution among "reasonable" men: a cautious person hesitates before he tells them anything new, for if he gets a name for such things he will be called "flighty," and in times of decision he will not be attended to.

In this way the infection of imitation catches men in their most inward and intellectual part,—their creed; but it also invades men by the most bodily

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part of the mind, so to speak, — the link between soul and body, — the manner. No one needs to have this explained, — we all know how a kind of subtle influence makes us imitate or try to imitate the manner of those around us: to conform to the fashion of Rome — whatever the fashion may be, and whatever Rome we may for the time be at — is among the most obvious needs of human nature. But what is not so obvious, though as certain, is that the influence of the imitation goes deep as well as extends wide: "The matter," as Wordsworth says, "of style very much comes out of the manner." If you will endeavor to write an imitation of the thoughts of Swift in a copy of the style of Addison, you will find that not only is it hard to write Addison's style from its intrinsic excellence, but also that the more you approach to it the more you lose the thought of Swift: the eager passion of the meaning beats upon the mild drapery of the words. So you could not express the plain thoughts of an Englishman in the grand manner of a Spaniard. Insensibly, and as by a sort of magic, the kind of manner which a man catches eats into him, and makes him in the end what at first he only seems.

This is the principal mode in which the greatest minds of an age produce their effect: they set the tone which others take and the fashion which others use. There is an odd idea that those who take what is called a "scientific view" of history need rate lightly the influence of individual character: it would be as reasonable to say that those who take a scientific view of nature need think little of the influence of the sun. On the scientific view, a great man is a great new cause, compounded or not out of other causes, — for I do not here or elsewhere in these papers raise the question of free-will, — but anyhow new in all its effects and all its results. Great models for good and evil sometimes appear among men, who follow them either to improvement or degradation.

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I am, I know, very long and tedious in setting out this; but I want to bring home to others what every new observation of society brings more and more freshly to myself, — that this unconscious imitation and encouragement of appreciated character, and this equally unconscious shrinking from and persecution of disliked character, is the main force which molds and fashions men in society as we now see it. Soon I shall try to show that the more acknowledged causes, such as change of climate, alteration of political institutions, progress of science, act principally through this cause; that they change the object of imitation and the object of avoidance, and so work their effect. But first I must speak of the origin of nations, — of nation-making, as one may call it, — the proper subject of this paper.

The process of nation-making is one of which we have obvious examples in the most recent times, and which is going on now. The most simple example is the foundation of the first state of America, — say New England, which has such a marked and such a deep national character. A great number of persons agreeing in fundamental disposition, agreeing in religion, agreeing in politics, form a separate settlement; they exaggerate their own disposition, teach their own creed, set up their favorite government; they discourage all other dispositions, persecute other beliefs, forbid other forms or habits of government. Of course a nation so made will have a separate stamp and mark. The original settlers began of one type; they sedulously imitated it; and (though other causes have intervened and disturbed it) the necessary operation of the principles of inheritance has transmitted many original traits still unaltered, and has left an entire New England character, in no respect unaffected by its first character.

This case is well known; but it is not so that the same process in a weaker shape is going on in America now: congeniality of sentiment is a reason

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of selection and a bond of cohesion in the "West" at present. Competent observers say that townships grow up there by each place taking its own religion, its own manners, and its own ways. Those who have these morals and that religion go to that place and stay there; and those who have not these morals and that religion either settle elsewhere at first or soon pass on. The days of colonization by sudden "swarms" of like creed is almost over; but a less visible process of attraction by similar faith over similar is still in vigor and very likely to continue.

And in cases where this principle does not operate, all new settlements, being formed of "emigrants," are sure to be composed of rather restless people, mainly; the stay-at-home people are not to be found there, and these are the quiet easy people. A new settlement voluntarily formed (for of old times, when people were expelled by terror, I am not speaking) is sure to have in it much more than the ordinary proportion of active men, and much less than the ordinary proportion of inactive; and this accounts for a large part — though not perhaps all — of the difference between the English in England and the English in Australia.

The causes which formed New England in recent times cannot be conceived as acting much upon mankind in their infancy. Society is not then formed upon a "voluntary system," but upon an involuntary: a man in early ages is born to a certain obedience, and cannot extricate himself from an inherited government. Society then is made up not of individuals but of families; creeds then descend by inheritance in those families. Lord Melbourne once incurred the ridicule of philosophers by saying he should adhere to the English Church *because* it was the religion of his fathers; the philosophers of course said that a man's fathers' believing anything was no reason for his believing it unless it was true: but Lord Melbourne was only uttering out of season, and in a

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modern time, one of the most firm and accepted maxims of old times. A secession on religious grounds of isolated Romans to sail beyond sea would have seemed to the ancient Romans an impossibility. In still ruder ages, the religion of savages is a thing too feeble to create a schism or to found a community; we are dealing with people capable of history when we speak of great ideas, not with prehistoric flint-men or the present savages: but though under very different forms, the same essential causes—the imitation of preferred characters and the elimination of detested characters—were at work in the oldest times, and are at work among rude men now. Strong as the propensity to imitation is among civilized men, we must conceive it as an impulse of which their minds have been partially denuded. Like the far-seeing sight, the infallible hearing, the magical scent of the savage, it is a half-lost power; it was strongest in ancient times, and *is* strongest in uncivilized regions.

This extreme propensity to imitation is one great reason of the amazing sameness which every observer notices in savage nations. When you have seen one Fuegian, you have seen all Fuegians; one Tasmanian, all Tasmanians. The higher savages, as the New-Zealanders, are less uniform; they have more of the varied and compact structure of civilized nations, because in other respects they are more civilized,—they have greater mental capacity, larger stores of inward thought: but much of the same monotonous nature clings to them too. A savage tribe resembles a herd of gregarious beasts: where the leader goes they go too; they copy blindly his habits, and thus soon become that which he already is. For not only the tendency but also the power to imitate is stronger in savages than civilized men; savages copy quicker and they copy better. Children in the same way are born mimics: they cannot help imitating what comes before them; there is nothing in their minds

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to resist the propensity to copy. Every educated man has a large inward supply of ideas to which he can retire, and in which he can escape from or alleviate unpleasant outward objects; but a savage or a child has no resource: the external movements before it are its very life; it lives by what it sees and hears. Uneducated people in civilized nations have vestiges of the same condition: if you send a housemaid and a philosopher to a foreign country of which neither knows the language, the chances are that the housemaid will catch it before the philosopher. He has something else to do, — he can live in his own thoughts; but unless she can imitate the utterances she is lost, — she has no life till she can join in the chatter of the kitchen. The propensity to mimicry and the power of mimicry are mostly strongest in those who have least abstract minds. The most wonderful examples of imitation in the world are perhaps the imitations of civilized men by savages in the use of martial weapons: they learn the *knack*, as sportsmen call it, with inconceivable rapidity; a North-American Indian — an Australian even — can shoot as well as any white man. Here the motive is at its maximum, as well as the innate power: every savage cares more for the power of killing than for any other power.

The persecuting tendency of all savages, and indeed of all ignorant people, is even more striking than their imitative tendency. No barbarian can bear to see one of his nation deviate from the old barbarous customs and usages of their tribe; very commonly all the tribe would expect a punishment from the gods if any one of them refrained from what was old or began what was new. In modern times and in cultivated countries we regard each person as responsible only for his own actions, and do not believe or think of believing that the misconduct of others can bring guilt on them; guilt to us is an individual taint, consequent on choice and cleaving

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to the chooser: but in early ages the act of one member of the tribe is conceived to make all the tribe impious, to offend its peculiar god, to expose all the tribe to penalties from heaven. There is no "limited liability" in the political notions of that time: the early tribe or nation is a religious partnership, on which a rash member by a sudden impiety may bring utter ruin. If the state is conceived thus, toleration becomes wicked: a permitted deviation from the transmitted ordinances becomes simple folly,—it is a sacrifice of the happiness of the greatest number; it is allowing one individual, for a moment's pleasure or a stupid whim, to bring terrible and irretrievable calamity upon all. No one will ever understand even Athenian history who forgets this idea of the old world, though Athens was in comparison with others a rational and skeptical place, ready for new views and free from old prejudices. When the street statues of Hermes were mutilated, all the Athenians were frightened and furious: they thought that they should *all* be ruined because some *one* had mutilated a god's image and so offended him. Almost every detail of life in the classical times—the times when real history opens—was invested with a religious sanction: a sacred ritual regulated human action; whether it was called "law" or not, much of it was older than the word "law,"—it was part of an ancient usage conceived as emanating from a superhuman authority, and not to be transgressed without risk of punishment by more than mortal power. There was such a *solidarité* then between citizens that each might be led to persecute the other for fear of harm to himself.

It may be said that these two tendencies of the early world—that to persecution and that to imitation—must conflict; that the imitative impulse would lead men to copy what is new, and that persecution by traditional habit would prevent their copying it. But in practice the two tendencies co-operate: there is a strong tendency to copy the most common thing,

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and that common thing is the old habit. Daily imitation is far oftenest a conservative force, for the most frequent models are ancient. Of course, however, something new is necessary for every man and for every nation. We may wish, if we please, that to-morrow shall be like to-day, but it will not be like it: new forces will impinge upon us,— new wind, new rain, and the light of another sun,— and we must alter to meet them. But the persecuting habit and the imitative combine to insure that the new thing shall be in the old fashion; it must be an alteration, but it shall contain as little of variety as possible. The imitative impulse tends to this, because men most easily imitate what their minds are best prepared for; what is like the old, yet with the inevitable minimum of alteration; what throws them least out of the old path and puzzles least their minds. The doctrine of development means this, — that in unavoidable changes men like the new doctrine which is most of a "preservative addition" to their old doctrines; the imitative and the persecuting tendencies make all change in early nations a kind of selective conservatism, for the most part keeping what is old but annexing some new but like practice,— an additional turret in the old style.

It is this process of adding suitable things and rejecting discordant things which has raised those scenes of strange manners which in every part of the world puzzle the civilized men who come upon them first. Like the old head-dress of mountain villages, they make the traveler think not so much whether they are good or whether they are bad, as wonder how any one could have come to think of them; to regard them as "monstrosities," which only some wild abnormal intellect could have hit upon. And wild and abnormal indeed would be that intellect if it were a single one at all; but in fact such manners are the growth of ages, like Roman law or the British Constitution. No one man, no one generation could

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have thought of them; only a series of generations, trained in the habits of the last and wanting something akin to such habits, could have devised them. Savages *pet* their favorite habits, so to say, and preserve them as they do their favorite animals; ages are required, but at last a national character is formed by the confluence of congenial attractions and accordant detestations.

Another cause helps. In early states of civilization there is a great mortality of infant life, and this is a kind of selection in itself, — the child most fit to be a good Spartan is most likely to survive a Spartan childhood. The habits of the tribe are enforced on the child; if he is able to catch and copy them he lives, if he cannot he dies. The imitation which assimilates early nations continues through life, but it begins with suitable forms and acts on picked specimens. I suppose, too, that there is a kind of parental selection operating in the same way, and probably tending to keep alive the same individuals. Those children which gratified their fathers and mothers most would be most tenderly treated by them, and have the best chance to live; and as a rough rule their favorites would be the children of most "promise," — that is to say, those who seemed most likely to be a credit to the tribe according to the leading tribal manners and the existing tribal tastes. The most gratifying child would be the best looked after, and the most gratifying would be the best specimen of the standard then and there raised up.

Even so, I think there will be a disinclination to attribute so marked, fixed, almost physical a thing as national character to causes so evanescent as the imitation of appreciated habit and the persecution of detested habit; but after all, national character is but a name for a collection of habits more or less universal, and this imitation and this persecution in long generations have vast physical effects. The mind of the parent (as we speak) passes somehow to the body

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of the child; the transmitted "something" is more affected by habits than it is by anything else: in time an ingrained type is sure to be formed, and sure to be passed on if only the causes I have specified be fully in action and without impediment.

As I have said, I am not explaining the origin of races but of nations, or if you like of tribes. I fully admit that no imitation of predominant manner or prohibitions of detested manners will of themselves account for the broadest contrasts of human nature. Such means would no more make a negro out of a Brahmin, or a red man out of an Englishman, than washing would change the spots of a leopard or the color of an Ethiopian. Some more potent causes must co-operate, or we should not have these enormous diversities. The minor causes I deal with made Greek to differ from Greek, but they did not make the Greek race; we cannot precisely mark the limit, but a limit there clearly is.

If we look at the earliest monuments of the human race, we find these race characters as decided as the race characters now. The earliest paintings or sculptures we anywhere have, give us the present contrasts of dissimilar types as strongly as present observation. Within historical memory no such differences have been created as those between negro and Greek, between Papuan and red Indian, between Eskimo and Goth. We start with cardinal diversities; we trace only minor modifications and we only see minor modifications, and it is very hard to see how any number of such modifications could change man as he is in one race type to man as he is in some other. Of this there are but two explanations. *One*, that these great types were originally separate creations as they stand; that the negro was made so, and the Greek made so. But this easy hypothesis of special creation has been tried so often, and has broken down so very often, that in no case probably do any great number of careful inquirers very firmly believe

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it: they may accept it provisionally, as the best hypothesis at present, but they feel about it as they cannot help feeling as to an army which has always been beaten; however strong it seems, they think it will be beaten again. What the other explanation is exactly, I cannot pretend to say; possibly as yet the data for a confident opinion are not before us: but by far the most plausible suggestion is that of Mr. Wallace, that these race marks are living records of a time when the intellect of man was not as able as it is now to adapt his life and habits to change of region; that consequently early mortality in the first wanderers was beyond conception great; that only those (so to say) hap-hazard individuals throve who were born with a protected nature, — that is, a nature suited to the climate and the country, fitted to use its advantages, shielded from its natural diseases. According to Mr. Wallace, the negro is the remnant of the one variety of man who without more adaptiveness than then existed could live in interior Africa; immigrants died off till they produced him or something like him: and so of the Eskimo or the American.

Any protective habit also struck out in such a time would have a far greater effect than it could afterwards. A gregarious tribe, whose leader was in some imitable respects adapted to the struggle for life, and which copied its leader, would have an enormous advantage in the struggle for life: it would be sure to win and live, for it would be coherent and adapted, whereas in comparison competing tribes would be incoherent and unadapted. And I suppose that in early times, when those bodies did not already contain the records and the traces of endless generations, any new habit would more easily fix its mark on the heritable element, and would be transmitted more easily and more certainly. In such an age, man being softer and more pliable, deeper race marks would be more easily inscribed and would be more likely to continue legible.

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But I have no pretense to speak on such matters: this paper, as I have so often explained, deals with nation-making and not with race-making. I assume a world of marked varieties of man, and only want to show how less marked contrasts would probably and naturally arise in each. Given large homogeneous populations, some negro, some Mongolian, some Aryan, I have tried to prove how small contrasting groups would certainly spring up within each, some to last and some to perish; these are the eddies in each race stream, which vary its surface and are sure to last till some new force changes the current. These minor varieties, too, would be infinitely compounded, not only with those of the same race but with those of others. Since the beginning of man, stream has been a thousand times poured into stream, — quick into sluggish, dark into pale, — and eddies and waters have taken new shapes and new colors, affected by what went before but not resembling it; and then on the fresh mass the old forces of composition and elimination again begin to act and create over the new surface another world. "Motley was the wear" of the world when Herodotus first looked on it and described it to us; and thus, as it seems to me, were its varying colors produced.

If it be thought that I have made out that these forces of imitation and elimination be the main ones, or even at all powerful ones, in the formation of national character, it will follow that the effect of ordinary agencies upon that character will be more easy to understand than it often seems and is put down in books. We get a notion that a change of government or a change of climate acts equally on the mass of a nation, and so are we puzzled — at least I have been puzzled — to conceive how it acts: but such changes do not at first act equally on all people in the nation, — on many for a very long time they do not act at all, — but they bring out new qualities and advertise the effects of new habits. A

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change of climate, say from a depressing to an invigorating one, so acts: everybody feels it a little, but the most active feel it exceedingly; they labor and prosper, and their prosperity invites imitation. Just so with the contrary change, from an animating to a relaxing place, — the naturally lazy look so happy as they do nothing that the naturally active are corrupted. The effect of any considerable change on a nation is thus an intensifying and accumulating effect: with its maximum power it acts on some prepared and congenial individuals; in them it is seen to produce attractive results, and then the habits creating those results are copied far and wide. And as I believe, it is in this simple but not quite obvious way that the process of progress and of degradation may generally be seen to run.

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No. IV.

NATION-MAKING.— *Continued.*

ALL theories as to the primitive man must be very uncertain. Granting the doctrine of evolution to be true, man must be held to have a common ancestor with the rest of the "Primates"; but then we do not know what their common ancestor was like. If ever we are to have a distinct conception of him, it can only be after long years of future researches and the laborious accumulation of materials scarcely the beginning of which now exists. But science has already done something for us: it cannot yet tell us our first ancestor, but it can tell us much of an ancestor very high up in the line of descent. We cannot get the least idea (even upon the full assumption of the theory of evolution) of the first man: but we can get a very tolerable idea of the paulo-prehistoric man, if I may so say; of man as he existed some short time (as we now reckon shortness) — some ten thousand years — before history began. Investigators whose acuteness and diligence can hardly be surpassed — Sir John Lubbock and Mr. Tylor are the chiefs among them — have collected so much and explained so much that they have left a fairly vivid result.

That result is, or seems to me to be, if I may sum it up in my own words, that the modern prehistoric men — those of whom we have collected so many remains, and to whom are due the ancient strange customs of historical nations (the fossil customs we might call them, for very often they are stuck by themselves in real civilization, and have no

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more part in it than the fossils in the surrounding strata), prehistoric men in this sense—were "savages without the fixed habits of savages": that is, that like savages they had strong passions and weak reason; that like savages they preferred short spasms of greedy pleasure to mild and equable enjoyment; that like savages they could not postpone the present to the future; that like savages their ingrained sense of morality was, to say the best of it, rudimentary and defective,—but that unlike present savages they had not complex customs and singular customs, odd and seemingly inexplicable rules guiding all human life. And the reasons for these conclusions as to a race too ancient to leave a history, but not too ancient to have left memorials, are briefly these:—First, that we cannot imagine a strong reason without attainments; and plainly, prehistoric men had not attainments,—they would never have lost them if they had. It is utterly incredible that whole races of men in the most distant parts of the world capable of counting—for they quickly learn to count—should have lost the art of counting if they had ever possessed it. It is incredible that whole races could lose the elements of common-sense, the elementary knowledge as to things material and things mental,—the Benjamin Franklin philosophy,—if they had ever known it. Without some data the reasoning faculties of man cannot work: as Lord Bacon said, the mind of man must "work upon stuff";* and in the absence of the common knowledge which trains us in the elements of reason as far as we are trained, they had no "stuff." Even, therefore, if their passions were not absolutely stronger than ours, relatively they were stronger, for their reason was weaker than our reason. Again, it is certain that races of men capable of postponing the present to the future (even if such races were conceivable without an educated reason) would have had so huge an advantage in the struggles of nations that no others would have survived them.

*See note to Vol. ii., page 226.

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A single Australian tribe really capable of such a habit, and really practicing it, would have conquered all Australia almost as the English have conquered it. Suppose a race of long-headed Scotchmen, even as ignorant as the Australians, and they would have got from Torres to Bass's Straits, no matter how fierce was the resistance of the other Australians; the whole territory would have been theirs, and theirs only. We cannot imagine innumerable races to have lost, if they had once had it, the most useful of all habits of mind; the habit which would most insure their victory in the incessant contests which ever since they began, men have carried on with one another and with nature; the habit which in historical times has above any other received for its possession the victory in those contests. Thirdly, we may be sure that the morality of prehistoric man was as imperfect and as rudimentary as his reason. The same sort of arguments apply to a self-restraining morality of a high type as apply to a settled postponement of the present to the future upon grounds recommended by argument: both are so involved in difficult intellectual ideas (and a high morality the most of the two) that it is all but impossible to conceive their existence among people who could not count more than five; who had only the grossest and simplest forms of language; who had no kind of writing or reading; who, as it has been roughly said, had "no pots and no pans"; who could indeed make a fire, but who could hardly do anything else, who could hardly command nature any further. Exactly also like a shrewd far-sightedness, a sound morality on elementary transactions is far too useful a gift to the human race ever to have been thoroughly lost when they had once attained it; but innumerable savages have lost all but completely many of the moral rules most conducive to tribal welfare. There are many savages who can hardly be said to care for human life, who have scarcely the family feelings, who

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are eager to kill all old people (their own parents included) as soon as they get old and become a burden; who have scarcely the sense of truth, who (probably from a constant tradition of terror) wish to conceal everything, and would (as observers say) "rather lie than not"; whose ideas of marriage are so vague and slight that the idea "communal marriage," in which all the women of the tribe are common to all the men and them only, has been invented to denote it: now, if we consider how cohesive and how fortifying to human societies are the love of truth and the love of parents and a stable marriage tie, how sure such feelings would be to make a tribe which possessed them wholly and soon victorious over tribes which were destitute of them, we shall begin to comprehend how unlikely it is that vast masses of tribes throughout the world should have lost all these moral helps to conquest, not to speak of others. If any reasoning is safe as to prehistoric man, the reasoning which imputes to him a deficient sense of morals is safe; for all the arguments suggested by all our late researches converge upon it and concur in teaching it.

Nor on this point does the case rest wholly on recent investigations. Many years ago Mr. Jowett said that the classical religions bore relics of the "ages before morality"; and this is only one of several cases in which that great thinker has proved by a chance expression that he had exhausted impending controversies years before they arrived, and had perceived more or less the conclusion at which the disputants would arrive long before the public issue was joined. There is no other explanation of such religions than this. We have but to open Mr. Gladstone's "Homer" in order to see with how intense an antipathy a really moral age would regard the gods and goddesses of Homer; how inconceivable it is that a really moral age should first have invented and then bowed down before them; how plain it is

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(when once explained) that they are antiquities, like an English court-suit or a *stone* sacrificial knife, — for no one would use such things as implements of ceremony except those who had inherited them from a past age when there was nothing better.

Nor is there anything inconsistent with our present moral theories, of whatever kind, in so thinking about our ancestors. The intuitive theory of morality, which would be that naturally most opposed to it, has lately taken a new development: it is not now maintained that all men have the same amount of conscience. Indeed, only a most shallow disputant, who did not understand even the plainest facts of human nature, could ever have maintained it: if men differ in anything, they differ in the fineness and the delicacy of their moral intuitions, however we may suppose those feelings to have been acquired. We need not go as far as savages to learn that lesson: we need only talk to the English poor or to our own servants, and we shall be taught it very completely; the lower classes in civilized countries, like all classes in uncivilized countries, are clearly wanting in the nicer part of those feelings which taken together we call the *sense* of morality. All this an intuitionist who knows his case will now admit: but he will add that though the amount of the moral sense may and does differ in different persons, yet that as far as it goes it is alike in all; he likens it to the intuition of number, in which some savages are so defective that they cannot readily and easily count more than three, yet as far as three their intuitions are the same as those of civilized people. Unquestionably, if there are intuitions at all the primary truths of number are such; there is a felt necessity in them if in anything, and it would be pedantry to say that any proposition of morals was *more* certain than that five and five make ten. The truths of arithmetic, intuitive or not, certainly cannot be acquired independently of experience, nor can those of morals be

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so either; unquestionably they were aroused in life and by experience,—though after that comes the difficult and ancient controversy whether anything peculiar to them, and not to be found in the other facts of life, is superadded to them independently of experience out of the vigor of the mind itself. No intuitionist, therefore, fears to speak of the conscience of his prehistoric ancestor as imperfect, rudimentary, or hardly to be discerned; for he has to admit much the same so as to square his theory to plain modern facts, and that theory in the modern form may consistently be held along with them. Of course if an intuitionist can accept this conclusion as to prehistoric men, so assuredly may Mr. Spencer, who traces all morality back to our inherited experience of utility; or Mr. Darwin, who ascribes it to an inherited sympathy; or Mr. Mill, who with characteristic courage undertakes to build up the whole moral nature of man with no help whatever either from ethical intuition or from physiological instinct. Indeed, of the everlasting questions such as the reality of free-will or the nature of conscience it is, as I have before explained, altogether inconsistent with the design of these papers to speak: they have been discussed ever since the history of discussion begins; human opinion is still divided, and most people still feel many difficulties in every suggested theory, and doubt if they have heard the last word of argument or the whole solution of the problem in any of them. In the interest of sound knowledge, it is essential to narrow to the utmost the debatable territory; to see how many ascertained facts there are which are consistent with all theories,—how many may, as foreign lawyers would phrase it, be equally held in *condominium* by them.

But though in these great characteristics there is reason to imagine that the prehistoric man—at least the sort of prehistoric man I am treating of, the man some few thousand years before history began, and

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not at all, at least not necessarily, the primitive man — was identical with a modern savage, in another respect there is equal or greater reason to suppose that he was most unlike a modern savage. A modern savage is anything but the simple being which philosophers of the eighteenth century imagined him to be: on the contrary, his life is twisted into a thousand curious habits; his reason is darkened by a thousand strange prejudices; his feelings are frightened by a thousand cruel superstitions. The whole mind of a modern savage is, so to say, *tattooed* over with monstrous images, — there is not a smooth place anywhere about it: but there is no reason to suppose the minds of prehistoric men to have been so cut and marked; on the contrary, the creation of these habits, these superstitions, these prejudices, must have taken ages. In his nature, it may be said, prehistoric man was the same as a modern savage; it is only in his acquisition that he was different.

It may be objected that if man was developed out of any kind of animal (and this is the doctrine of evolution, which, if it be not proved conclusively, has great probability and great scientific analogy in its favor), he would necessarily at first possess animal instincts; that these would only gradually be lost; that in the mean time they would serve as a protection and an aid, and that prehistoric men, therefore, would have important helps and feelings which existing savages have not. And probably of the first men, the first beings worthy to be so called, this was true: they had or may have had certain remnants of instincts which aided them in the struggle of existence, and as reason gradually came these instincts may have waned away. Some instincts certainly do wane when the intellect is applied steadily to their subject-matter: the curious "counting boys," the arithmetical prodigies who can work by a strange innate faculty the most wonderful sums, lose that faculty always partially, sometimes completely, if

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they are taught to reckon by rule like the rest of mankind; in like manner I have heard it said that a man could soon reason himself out of the instinct of decency if he would only take pains and work hard enough: and perhaps other primitive instincts may have in like manner passed away. But this does not affect my argument: I am only saying that these instincts, if they ever existed, *did* pass away,—that there was a period, probably an immense period as we reckon time in human history, when prehistoric men lived much as savages live now, without any important aids and helps.

The proofs of this are to be found in the great works of Sir John Lubbock and Mr. Tylor, of which I just now spoke. I can only bring out two of them here.

First, it is plain that the first prehistoric men had the flint tools which the lowest savages use, and we can trace a regular improvement in the finish and in the efficiency of their simple instruments corresponding to that which we see at this day in the upward transition from the lowest savages to the highest. Now, it is not conceivable that a race of beings with valuable instincts supporting their existence and supplying their wants would need these simple tools: they are exactly those needed by very poor people who have no instincts, and those were used by such, for savages are the poorest of the poor. It would be very strange if these same utensils, no more no less, were used by beings whose discerning instincts made them in comparison altogether rich: such a being would know how to manage without such things, or if it wanted any would know how to make better.

And secondly, on the moral side we know that the prehistoric age was one of much license; and the proof is, that in that age descent was reckoned through the female only, just as it is among the lowest savages. "Maternity," it has been said, "is a matter of fact, paternity is a matter of opinion;"

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and this not very refined expression exactly conveys the connection of the lower human societies. In all slave-owning communities — in Rome formerly, and in Virginia yesterday — such was the accepted rule of law: the child kept the condition of the mother, whatever that condition was; nobody inquired as to the father, — the law once for all assumed that he could not be ascertained. Of course no remains exist which prove this or anything else about the morality of prehistoric man, and morality can only be described by remains amounting to a history; but one of the axioms of prehistoric investigation binds us to accept this as the morality of the prehistoric races if we receive that axiom. It is plain that the widespread absence of a characteristic which greatly aids the possessor in the conflicts between race and race probably indicates that the primary race did not possess that quality. If one-armed people existed almost everywhere in every continent; if people were found in every intermediate stage, some with the mere germ of the second arm, some with the second arm half-grown, some with it nearly complete, — we should then argue: — "The first race cannot have had two arms, because men have always been fighting, and as two arms are a great advantage in fighting, one-armed and half-armed people would immediately have been killed off the earth; they never could have attained any numbers. A diffused deficiency in a warlike power is the best attainable evidence that the prehistoric men did not possess that power." If this axiom be received, it is palpably applicable to the marriage bond of primitive races: a cohesive "family" is the best germ for a campaigning nation. In a Roman family, the boys from the time of their birth were bred to a domestic despotism which well prepared them for a subjection in after life to a military discipline, a military drill, and a military despotism; they were ready to obey their generals because they were compelled to obey their fathers;

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they conquered the world in manhood because as children they were bred in homes where the tradition of passionate valor was steadied by the habit of implacable order. And nothing of this is possible in loosely bound family groups (if they can be called families at all) where the father is more or less uncertain; where descent is not traced through him,— where, that is, property does not come from him, where such property as he has passes to his *sure* relations, to his sister's children. An ill-knit nation which does not recognize paternity as a legal relation would be conquered like a mob by any other nation which had a vestige or a beginning of the *patria potestas.* If, therefore, all the first men had the strict morality of families, they would no more have permitted the rise of *semi*-moral nations anywhere in the world than the Romans would have permitted them to arise in Italy,—they would have conquered, killed, and plundered them before they became nations; and yet semi-moral nations exist all over the world.

It will be said that this argument proves too much; for it proves that not only the somewhat-before-history men, but the absolutely first men, could not have had close family instincts, and yet if they were like most though not all of the animals nearest to man they had such instincts. There is a great story of some African chief who expressed his disgust at adhering to one wife, by saying it was "like the monkeys." The semi-brutal ancestors of man, if they existed, had very likely an instinct of constancy which the African chief and others like him had lost: how then, if it was so beneficial, could they ever lose it? The answer is plain: they could lose it if they had it as an irrational propensity and habit, and not as a moral and rational feeling. When reason came, it would weaken that habit like all other irrational habits; and reason is a force of such infinite vigor—a victory-making agent of such incomparable efficiency—that its continually diminishing valuable instincts will not

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matter if it grows itself steadily all the while. The strongest competitor wins in both the cases we are imagining: in the first, a race with intelligent reason but without blind instinct beats a race with that instinct but without that reason; in the second, a race with reason and high moral feeling beats a race with reason but without high moral feeling, — and the two are palpably consistent.

There is every reason, therefore, to suppose prehistoric man to have been deficient in much of sexual morality, as we regard that morality. As to the detail of "primitive marriage" or "*no* marriage" — for that is pretty much what it comes to — there is of course much room for discussion; both Mr. M'Lennan and Sir John Lubbock are too accomplished reasoners and too careful investigators to wish conclusions so complex and refined as theirs to be accepted all in a mass, besides that on some critical points the two differ: but the main issue is not dependent on nice arguments. Upon broad grounds we may believe that in prehistoric times, men fought both to gain and to keep their wives; that the strongest man took the best wife away from the weaker man, and that if the wife was restive, did not like the change, her new husband beat her; that (as in Australia now) a pretty woman was sure to undergo many such changes, and her back to bear the marks of many such chastisements; that in the principal department of human conduct (which is the most tangible and easily traced, and therefore the most obtainable specimen of the rest) the minds of prehistoric men were not so much immoral as *un*moral, — they did not violate a rule of conscience, but they were somehow not sufficiently developed for them to feel on this point any conscience, or for it to prescribe to them any rule.

The same argument applies to religion. There are indeed many points of the greatest obscurity both in the present savage religions and in the scanty vestiges of prehistoric religion; but one point is clear, —

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all savage religions are full of superstitions founded on luck. Savages believe that casual omens are a sign of coming events; that some trees are lucky, that some animals are lucky, that some places are lucky, that some indifferent actions—indifferent apparently and indifferent really—are lucky, and so of others in each class, that they are unlucky. Nor can a savage well distinguish between a sign of "luck" or ill-luck, as we should say, and a deity which causes the good or the ill; the indicating precedent and the causing being are to the savage mind much the same: a steadiness of head far beyond savages is required consistently to distinguish them. And it is extremely natural that they should believe so: they are playing a game—the game of life—with no knowledge of its rules; they have not an idea of the laws of nature; if they want to cure a man, they have no conception at all of true scientific remedies; if they try anything, they must try it upon bare chance. The most useful modern remedies were often discovered in this bare empirical way. What could be more improbable—at least, for what could a prehistoric man have less given a good reason—than that some mineral springs should stop rheumatic pains, or mineral springs make wounds heal quickly? and yet the chance knowledge of the marvelous effect of gifted springs is probably as ancient as any sound knowledge as to medicine whatever. No doubt it was mere casual luck at first that tried these springs and found them answer: somebody by accident tried them, and by that accident was instantly cured. The chance which happily directed men in this one case misdirected them in a thousand cases: some expedition had answered when the resolution to undertake it was resolved on under an ancient tree, and accordingly that tree became lucky and sacred; another expedition failed when a magpie crossed its path, and a magpie was said to be unlucky; a serpent crossed the path of another expedition and it had a marvelous victory, and accordingly the serpent

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became a sign of great luck (and — what a savage cannot distinguish from it — a potent deity which makes luck). Ancient medicine is equally unreasonable: as late down as the Middle Ages it was full of superstitions founded on mere luck. The collection of prescriptions published under the direction of the Master of the Rolls abounds in such fancies, as we should call them. According to one of them, unless I forget, some disease — a fever, I think — is supposed to be cured by placing the patient between two halves of a hare and a pigeon recently killed.* Nothing can be plainer than that there is no ground for this kind of treatment, and that the idea of it arose out of a chance hit which came right and succeeded. There was nothing so absurd or so contrary to common-sense as we are apt to imagine about it: the lying between two halves of a hare or a pigeon was *a priori*, and to the inexperienced mind, quite as likely to cure disease as the drinking certain draughts of nasty mineral water. Both somehow were tried; both answered, — that is, both were at the first time or at some memorable time followed by a remarkable recovery: and the only difference is, that the curative power of the mineral is persistent and happens constantly, whereas on an average of trials the proximity of a hare or pigeon is found to have no effect, and cures take place as often in cases where it is not tried as in cases where it is. The nature of minds which are deeply engaged in watching events of which they do not know the reason is to single out some fabulous accompaniment or some wonderful series of good luck or bad luck, and

* Readers of Scott's life will remember that an admirer of his in humble life proposed to cure him of inflammation of the bowels by making him sleep a whole night on twelve smooth stones, painfully collected by the admirer from twelve brooks, which was, it appeared, a *recipe* of sovereign traditional power. Scott gravely told the proposer that he had mistaken the charm, and that the stones were of no virtue unless wrapped up in the petticoat of a widow who never wished to marry again; and as no such widow seems to have been forthcoming, he escaped the remedy. — B.

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to dread ever after that accompaniment if it brings evil, and to love it and long for it if it brings good: all savages are in this position, and the fascinating effect of striking accompaniments (in some single case) of singular good fortune and singular calamity is one great source of savage religions.

Gamblers to this day are, with respect to the chance part of their game, in much the same plight as savages with respect to the main events of their whole lives; and we well know how superstitious they all are. To this day, very sensible whist-players have a certain belief — not of course a fixed conviction, but still a certain impression — that there is "luck under a black deuce," and will half mutter some not very gentle maledictions if they turn up as a trump the four of clubs, because it brings ill-luck and is "the devil's bed-post." Of course grown-up gamblers have too much general knowledge, too much organized common-sense, to prolong or cherish such ideas; they are ashamed of entertaining them, though nevertheless they cannot entirely drive them out of their minds. But child gamblers — a number of little boys set to play loo — are just in the position of savages, for their fancy is still impressible, and they have not as yet been thoroughly subjected to the confuting experience of the real world; and child gamblers have idolatries. At least I know that years ago a set of boy loo-players, of whom I was one, had considerable faith in a certain "pretty fish," which was larger and more nicely made than the other fish we had; we gave the best evidence of our belief in its power to "bring luck," — we fought for it (if our elders were out of the way), we offered to buy it with many other fish from the envied holder, and I am sure I have often cried bitterly if the chance of the game took it away from me. Persons who stand up for the dignity of philosophy, if any such there still are, will say that I ought not to mention this, because it seems trivial; but the more modest spirit of modern

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thought plainly teaches, if it teaches anything, the cardinal value of occasional little facts. I do not hesitate to say that many learned and elaborate explanations of the totem — the "clan" deity, the beast or bird who in some supernatural way attends to the clan and watches over it — do not seem to me to be nearly as akin to the reality, as it works and lives among the lower races, as the "pretty fish" of my early boyhood: and very naturally so, for a grave philosopher is separated from primitive thought by the whole length of human culture; but an impressible child is as near to, and its thoughts are as much like, that thought as anything can now be.

The worst of these superstitions is, that they are easy to make and hard to destroy: a single run of luck has made the fortune of many a charm and many idols. I doubt if even a single run of luck be necessary: I am sure that if an elder boy said that "the pretty fish was lucky — of course it was," all the lesser boys would believe it, and in a week it would be an accepted idol; and I suspect the Nestor of a savage tribe — the aged repository of guiding experience — would have an equal power of creating superstitions. But if once created they are most difficult to eradicate. If any one said that the amulet was of certain efficacy, — that it always acted whenever it was applied, — it would of course be very easy to disprove; but no one ever said that the "pretty fish" always brought luck, — it was only said that it did so on the whole, and that if you had it you were more likely to be lucky than if you were without it. But it requires a long table of statistics of the results of games to disprove this thoroughly; and by the time people can make tables, they are already above such beliefs and do not need to have them disproved. Nor, in many cases where omens or amulets are used, would such tables be easy to make, for the data could not be found; and a rash attempt to subdue the superstition by a striking instance may easily

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end in confirming it. Francis Newman, in the remarkable narrative of his experience as a missionary in Asia, gives a curious example of this. As he was setting out on a distant and somewhat hazardous expedition, his native servants tied round the neck of the mule a small bag supposed to be of preventive and mystic virtue. As the place was crowded and a whole townspeople looking on, Mr. Newman thought that he would take an opportunity of disproving the superstition; so he made a long speech of explanation in his best Arabic, and cut off the bag, to the horror of all about him. But as ill-fortune would have it, the mule had not got thirty yards up the street before she put her foot into a hole and broke her leg; upon which all the natives were confirmed in their former faith in the power of the bag, and said, "You see now what happens to unbelievers."*

Now, the present point as to these superstitions is their military inexpediency. A nation which was moved by these superstitions as to luck would be at the mercy of a nation in other respects equal which was not subject to them. In historical times, as we know, the panic terror at eclipses has been the ruin of the armies which have felt it: has made them delay to do something necessary or rush to do something destructive. The necessity of consulting the auspices, while it was sincerely practiced and before it became a trick for disguising foresight, was in classical history very dangerous. And much worse is it with savages, whose life is one of omens, who must always consult their sorcerers, who may be turned this way or that by some chance accident; who if they were intellectually able to frame a consistent military policy,—and some savages in war see farther than in anything else,—are yet liable to be put out, distracted, confused, and turned aside in the carrying out of it because some event, really innocuous but to their minds foreboding, arrests and frightens them. A religion full of omens is a military misfortune, and

* "Letters from the East."

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will bring a nation to destruction if set to fight with a nation at all equal otherwise, who have a religion without omens. Clearly, then, if all early men unanimously, or even much the greater number of early men, had a religion *without* omens, no religion or scarcely a religion anywhere in the world could have come into existence *with* omens: the immense majority possessing the superior military advantage, the small minority destitute of it would have been crushed out and destroyed. But on the contrary, all over the world religions with omens once existed, in most they still exist; all savages have them, and deep in the most ancient civilizations we find the plainest traces of them. Unquestionably, therefore, the prehistoric religion was like that of savages; viz., in this, that it largely consisted in the watching of omens, and in the worship of lucky beasts and things which are a sort of embodied and permanent omens.

It may indeed be objected—an analogous objection was taken as to the ascertained moral deficiencies of prehistoric mankind—that if this religion of omens was so pernicious and so likely to ruin a race, no race would ever have acquired it; but it is only likely to ruin a race contending with another race otherwise equal. The fancied discovery of these omens—not an extravagant thing in an early age, as I have tried to show, not a whit then to be distinguished as improbable from the discovery of healing herbs or springs which prehistoric men also did discover—the discovery of omens was an act of reason as far as it went, and if in reason the omen-finding race were superior to the races in conflict with them, the omen-finding race would win; and we may conjecture that omen-finding races were thus superior, since they won and prevailed in every latitude and in every zone.

In all particulars, therefore, we would keep to our formula, and say that prehistoric man was substantially a savage like present savages, in morals, [in]

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intellectual attainments, and in religion; but that he differed in this from our present savages, — that he had not had time to ingrain his nature so deeply with bad habits, and to impress bad beliefs so unalterably on his mind, as they have. They have had ages to fix the stain on themselves, but primitive man was younger and had no such time.

I have elaborated the evidence for this conclusion at what may seem needless and tedious length, but I have done so on account of its importance. If we accept it, and if we are sure of it, it will help us to many most important conclusions; some of these I have dwelt upon in previous papers, but I will set them down again.

First, it will in part explain to us what the world was about, so to speak, before history: it was making, so to say, the intellectual *consistence* — the connected and coherent habits, the preference of equable to violent enjoyment, the abiding capacity to prefer if required the future to the present — the mental prerequisites without which civilization could not begin to exist, and without which it would soon cease to exist even had it begun. The primitive man, like the present savage, had not these prerequisites, but unlike the present savage he was capable of acquiring them and of being trained in them; for his nature was still soft and still impressible, and possibly — strange as it may seem to say — his outward circumstances were more favorable to an attainment of civilization than those of our present savages. At any rate, the prehistoric times were spent in making men capable of writing a history and having something to put in it when it was written; and we can see how it was done.

Two preliminary processes indeed there are which seem inscrutable. There was some strange preliminary process by which the main races of men were formed; they began to exist very early, and except by intermixture no new ones have been formed since. It

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was a process singularly active in early ages and singularly quiescent in later ages. Such differences as exist between the Aryan, the Turanian, the negro, the red man, and the Australian are differences greater altogether than any causes now active are capable of creating in present men, at least in any way explicable by us; and there is therefore a strong presumption that (as great authorities now hold) these differences were created before the nature of men, especially before the mind and the adaptive nature of men, had taken their existing constitution. And a second condition precedent of civilization seems (at least to me) to have been equally inherited, if the doctrine of evolution be true, from some previous state or condition: I at least find it difficult to conceive of men at all like the present men, unless existing in something like families, — that is, in groups avowedly connected, at least on the mother's side, and probably always with a vestige of connection more or less on the father's side, and unless these groups were like many animals, gregarious, under a leader more or less fixed. It is almost beyond imagination how man, as we know man, could by any sort of process have gained this step in civilization. And it is a great advantage, to say the least of it, in the evolution theory that it enables us to remit this difficulty to a pre-existing period in nature, where other instincts and powers than our present ones may perhaps have come into play, and where our imagination can hardly travel. At any rate, for the present I may assume these two steps in human progress made and these two conditions realized.

The rest of the way, if we grant these two conditions, is plainer. The first thing is the erection of what we may call a custom-making power: that is, of an authority which can enforce a fixed rule of life; which by means of that fixed rule can in some degree create a calculable future; which can make it rational to postpone present violent but momentary pleasure

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for future continual pleasure, because it insures — what else is not sure — that if the sacrifice of what is in hand be made, enjoyment of the contingent expected recompense will be received. Of course I am not saying that we shall find in early society any authority of which these shall be the motives: we must have traveled ages (unless all our evidence be wrong) from the first men before there was a comprehension of such motives. I only mean that the first thing in early society was an authority of whose action this shall be the result, little as it knew what it was doing, little as it would have cared if it had known.

The conscious end of early societies was not at all, or scarcely at all, the protection of life and property, as it was assumed to be by the eighteenth-century theory of government. Even in early historical ages — in the youth of the human race, not its childhood — such is not the nature of early states. Sir Henry Maine has taught us that the earliest subject of jurisprudence is not the separate property of the individual, but the common property of the family group. What we should call private property hardly then existed, or if it did, was so small as to be of no importance: it was like the things little children are now allowed to *call* their own, which they feel it very hard to have taken from them, but which they have no real right to hold and keep. Such is our earliest property law; and our earliest life law is that the lives of all members of the family group were at the mercy of the head of the group; as far as the individual goes, neither his goods nor his existence were protected at all: and this may teach us that something else was lacked in early societies besides what in our societies we now think of.

I do not think I put this too high when I say that a most important if not the most important object of early legislation was the enforcement of *lucky* rites. I do not like to say religious rites, because that would

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involve me in a great controversy as to the power or even the existence of early religions: but there is no savage tribe without a notion of luck; and perhaps there is hardly any which has not a conception of luck for the tribe as a tribe, of which each member has not some such a belief [as] that his own action or the action of any other member of it — that he or the others doing anything which was unlucky or would bring a "curse" — might cause evil not only to himself but to all the tribe as well. I have said so much about "luck" and about its naturalness before that I ought to say nothing again; but I must add that the contagiousness of the idea of "luck" is remarkable. It does not at all, like the notion of desert, cleave to the doer: there are people to this day who would not permit in their house, people to sit down thirteen to dinner; they do not expect any evil to themselves particularly for permitting it or sharing in it, but they cannot get out of their heads the idea that some one or more of the number will come to harm if the thing is done. This is what Mr. Tylor calls survival in culture: the faint belief in the corporate liability of these thirteen is the feeble relic and last dying representative of that great principle of corporate liability to good and ill fortune which has filled such an immense place in the world.

The traces of it are endless. You can hardly take up a book of travels in rude regions without finding — "I wanted to do so and so; but I was not permitted, for the natives feared it might bring ill luck on the 'party,' or perhaps the tribe." Mr. Galton, for instance, could hardly feed his people: the Damaras, he says, have numberless superstitions about meat which are very troublesome. In the first place, each tribe or rather family is prohibited from eating cattle of certain colors, savages "who come from the sun" eschewing sheep spotted in a particular way, which those "who come from the rain" have no objection to. "As," he says, "there are five or six eandas or

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descents, and I had men from most of them with me, I could hardly kill a sheep that everybody would eat;" and he could not keep his meat, for it had to be given away because it was commanded by one superstition, nor buy milk, the staple food of those parts, because it was prohibited by another. And so on without end. Doing anything unlucky is in their idea what putting on something that attracts the electric fluid is in fact: you cannot be sure that harm will not be done, not only to the person in fault but to those about him too. As in the Scriptural phrase, doing what is of evil omen is "like one that letteth out water": he cannot tell what are the consequences of his act, who will share them, or how they can be prevented.

In the earliest historical nations, I need not say that the corporate liabilities of states are to a modern student their most curious feature. The belief is indeed raised far above the notion of mere "luck," because there is a distinct belief in gods or a god whom the act offends; but the indiscriminate character of the punishment still survives. Not only the mutilator of the Hermæ but all the Athenians, not only the violator of the rites of the *Bona Dea* but all the Romans, are liable to the curse engendered; and so all through ancient history. The strength of the corporate anxiety so created is known to every one: not only was it greater than any anxiety about personal property, but it was immeasurably greater. Naturally, even reasonably we may say, it was greater: the dread of the powers of nature, or of the beings who rule those powers, is properly, upon grounds of reason, as much greater than any other dread as the might of the powers of nature is superior to that of any other powers. If a tribe or a nation have by a contagious fancy come to believe that the doing of any one thing by any number will be "unlucky,"—that is, will bring an intense and vast liability on them all,—then that tribe or that nation will prevent

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the doing of that thing more than anything else; they will deal with the most cherished chief who even by chance should do it, as in a similar case the sailors dealt with Jonah.

I do not of course mean that this strange condition of mind (as it seems to us) was the sole source of early customs; on the contrary, man might be described as a custom-making animal with more justice than by many of the short descriptions. In whatever way a man has done anything once, he has a tendency to do it again; if he has done it several times he has a great tendency so to do it, and what is more he has a great tendency to make others do it also. He transmits his formed customs to his children by example and by teaching. This is true now of human nature, and will always be true, no doubt; but what is peculiar in early societies is, that over most of these customs there grows sooner or later a semi-supernatural sanction. The whole community is possessed with the idea that if the primal usages of the tribe be broken, harm unspeakable will happen in ways you cannot think of and from sources you cannot imagine. As people nowadays believe that "murder will out," and that great crime will bring even an earthly punishment, so in early times people believed that for any breach of sacred custom certain retribution would happen. To this day many semi-civilized races have great difficulty in regarding any arrangement as binding and conclusive unless they can also manage to look at it as an inherited usage. Sir H. Maine, in his last work,* gives a most curious case. The English government in India has in many cases made new and great works of irrigation, of which no ancient Indian government ever thought; and it has generally left it to the native village community to say what share each man of the village should have in the water, and the village authorities

* "Village Communities," Lecture iii.

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have accordingly laid down a series of most minute rules about it: but the peculiarity is that in no case do these rules "purport to emanate from the personal authority of their author or authors" (which rests on grounds of reason, not on grounds of innocence and sanctity), "nor do they assume to be dictated by a sense of equity; there is always, I am assured, a sort of fiction under which some customs as to the distribution of water are supposed to have existed from all antiquity, although in fact no artificial supply had been even so much as thought of." So difficult does this ancient race — like, probably, in this respect so much of the ancient world — find it to imagine a rule which is obligatory but not traditional.

The ready formation of custom-making groups in early society must have been greatly helped by the easy divisions of that society. Much of the world — all Europe, for example — was then covered by the primeval forest; men had only conquered, and as yet could only conquer, a few plots and corners from it. These narrow spaces were soon exhausted, and if numbers grew some of the new people must move: accordingly, migrations were constant and were necessary; and these migrations were not like those of modern times. There was no such feeling as binds even Americans who hate (or speak as if they hated) the present political England, nevertheless to "the old home." There was then no organized means of communication — no practical communication, we may say — between parted members of the same group: those who once went out from the parent society went out forever; they left no abiding remembrance and they kept no abiding regard. Even the language of the parent tribe and of the descended tribe would differ in a generation or two: there being no written literature and no spoken intercourse, the speech of both would vary (the speech of such communities is always varying), and would vary in different directions; one set of causes, events, and associations would act on one,

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and another set on another; sectional differences would soon arise, and for speaking purposes what philologists call a dialectical difference often amounts to real and total difference,—no connected interchange of thought is possible any longer. Separate groups soon "set up house"; the early societies begin a new set of customs, acquire and keep a distinct and special "luck."

If it were not for this facility of new formations, one good or bad custom would long since have "corrupted" the world:* but even this would not have been enough but for those continual wars, of which I have spoken at such length in the essay on "The Use of Conflict" that I need say nothing now. These are, by their incessant fractures of old images and by their constant infusion of new elements, the real regenerators of society. And whatever be the truth or falsehood of the general dislike to mixed and half-bre[e]d races, no such suspicion was probably applicable to the early mixtures of primitive society. Supposing, as is likely, each great aboriginal race to have had its own quarter of the world (a quarter, as it would seem, corresponding to the special quarters in which plants and animals are divided), then the immense majority of the mixtures would be between men of different tribes but of the same stock; and this no one would object to but every one would praise.

In general, too, the conquerors would be better than the conquered (most merits in early society are more or less military merits), but they would not be very much better, for the lowest steps in the ladder of civilization are very steep and the effort to mount them is slow and tedious; and this is probably the better if they are to produce a good and quick effect in civilizing those they have conquered. The experience of the English in India shows, if it shows anything, that a highly civilized race may fail in producing a rapidly excellent effect on a less civilized race because

* Tennyson, "Morte d'Arthur."

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it is too good and too different. The two are not *en rapport* together; the merits of the one are not the merits prized by the other; the manner language of the one is not the manner language of the other. The higher being is not and cannot be a model for the lower; he could not mold himself on it if he would, and would not if he could: consequently the two races have long lived together, "near and yet far off," daily seeing one another and daily interchanging superficial thoughts, but in the depths of their mind[s] separated by a whole era of civilization, and so affecting one another only a little in comparison with what might have been hoped. But in early societies there were no such great differences, and the rather superior conqueror must have easily improved the rather inferior conquered.

It is in the interior of these customary groups that national characters are formed. As I wrote a whole essay on the manner of this before, I cannot speak of it now. By proscribing non-conformist members for generations, and cherishing and rewarding conformist members, non-conformists become fewer and fewer, and conformists more and more. Most men mostly imitate what they see and catch the tone of what they hear, and so a settled type — a persistent character — is formed. Nor is the process wholly mental. I cannot agree, though the greatest authorities say it, that no "unconscious selection" has been at work at the breed of man: if neither that nor conscious selection has been at work, how did there come to be these breeds? — and such there are in the greatest numbers, though we call them "nations." In societies tyrannically customary, uncongenial minds become first cowed, then melancholy, then out of health, and at last die: a Shelley in New England could hardly have lived, and a race of Shelleys would have been impossible. Mr. Galton wishes that breeds of men should be created by matching men with marked characteristics with women of like

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characteristics; but surely this is what nature has been doing time out of mind, and most in the rudest nations and hardest times. Nature disheartened in each generation the ill-fitted members of each customary group, so deprived them of their full vigor, or if they were weakly, killed them. The Spartan character was formed because none but people with a Spartan make of mind could endure a Spartan existence; the early Roman character was so formed too; perhaps all very marked national characters can be traced back to a time of rigid and pervading discipline. In modern times, when society is more tolerant, new national characters are neither so strong, so featurely, nor so uniform.

In this manner society was occupied in prehistoric times; it is consistent with and explicable by our general principle as to savages that society should for ages have been so occupied, strange as that conclusion is, and incredible as it would be if we had not been taught by experience to believe strange things.

Secondly, this principle and this conception of prehistoric times explain to us the meaning and the origin of the oldest and strangest of social anomalies, — an anomaly which is among the first things history tells us, — the existence of *caste* nations. Nothing is at first sight stranger than the aspect of those communities where several nations seem to be bound up together, where each is governed by its own rule of law, where no one pays any deference to the rule of law of any of the others; but if our principles be true, these are just the nations most likely to last, which would have a special advantage in early times, and would probably not only maintain themselves but conquer and kill out others also. The characteristic necessity of early society, as we have seen, is strict usage and binding coercive custom; but the obvious result and inevitable evil of that is monotony in society, — no one can be much different from his

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fellows or can cultivate his difference. Such societies are necessarily weak from the want of variety in their elements; but a caste nation is various and composite, and has in a mode suited to early societies the constant co-operation of contrasted persons, which in a later age is one of the greatest triumphs of civilization. In a primitive age the division between the warrior caste and the priestly caste is especially advantageous. Little popular and little deserving to be popular nowadays as are priestly hierarchies, most probably the beginnings of science were made in such and were for ages transmitted in such. An intellectual class was in that age only possible when it was protected by a notion that whoever hurt them would certainly be punished by Heaven; in this class apart, discoveries were slowly made and some beginning of mental discipline was slowly matured: but such a community is necessarily unwarlike, and the superstition which protects priests from home murder will not aid them in conflict with the foreigner; few nations mind killing their enemies' priests, and many priestly civilizations [may] have perished without record before they well began. But such a civilization will not perish if a warrior caste is tacked on to it and is bound to defend it; on the contrary, such a civilization will be singularly likely to live,—the head of the sage will help the arm of the soldier.

That a nation divided into castes must be a most difficult thing to found is plain; probably it could only begin in a country several times conquered, and where the boundaries of each caste rudely coincided with the boundaries of certain sets of victors and vanquished. But as we now see, when founded it is a likely nation to last: a party-colored community of many tribes and many usages is more likely to get on and help itself [at first] than a nation of a single lineage and one monotonous rule. I say "at first," because I apprehend that in this case, as in so many others in the puzzling history of progress, the very

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institutions which most aid at step No. 1 are precisely those which most impede at step No. 2. The whole of a caste nation is more various than the whole of a non-caste nation, but each caste itself is more monotonous than anything is or can be in a non-caste nation; gradually a habit of action and type of mind forces itself on each caste, and it is little likely to be rid of it, for all who enter it are taught in one way and trained to the same employment. Several non-caste nations have still continued to progress; but all caste nations have stopped early, though some have lasted long. Each color in the singular composite of these tessellated societies has an indelible and invariable shade.

Thirdly, we see why so few nations have made rapid advance, and so many have become stationary; it is in the process of becoming a nation, and in order to become such, that they subjected themselves to the influence which has made them stationary. They could not become a real nation without binding themselves by a fixed law and usage, and it is the fixity of that law and usage which has kept them as they were ever since. I wrote a whole essay on this before, so I need say nothing now; and I only name it because it is one of the most important consequences of this view of society, if not indeed the most important.

Again, we can thus explain one of the most curious facts of the present world. "Manner," says a shrewd observer who has seen much of existing life, "Manner gets regularly worse as you go from the East to the West: it is best in Asia, not so good in Europe, and altogether bad in the Western States of America." And the reason is this: an imposing manner is a dignified usage, which tends to preserve itself and also all other existing usages along with itself; it tends to induce the obedience of mankind. One of the cleverest novelists of the present day has a curious dissertation to settle why on the hunting

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field, and in all collections of men, "some men snub and some men get snubbed;" and why society recognizes in each case the ascendency or the subordination as if it was right. "It is not at all," Mr. Trollope fully explains, "rare ability which gains the supremacy: very often the ill-treated man is quite as clever as the man who ill-treats him. Nor does it absolutely depend on wealth; for though great wealth is almost always a protection from social ignominy, and will always insure a passive respect, it will not, in a miscellaneous group of men, of itself gain an active power to snub others. Schoolboys, in the same way," the novelist adds, "let some boys have dominion and make other boys slaves." And he decides, no doubt truly, that in each case "something in the manner or gait" of the supreme boy or man has much to do with it.* On this account, in early society a dignified manner is of essential importance: it is then not only an auxiliary mode of acquiring respect, but a principal mode. The competing institutions which have now much superseded it had not then begun: ancient institutions or venerated laws did not then exist, and the habitual ascendency of grave manner was a primary force in winning and calming mankind. To this day it is rare to find a savage chief without it, and almost always they greatly excel in it. Only last year a red Indian chief came from the prairies to see President Grant, and everybody declared that he had the best manners in Washington: the secretaries and heads of departments seemed vulgar to him; though of course intrinsically they were infinitely above him, for he was only "a plundering rascal." But an impressive manner had been a tradition in the societies in which he had lived, because it was of great value in those societies; and it is not a tradition in America, for nowhere is it less thought of or of less use than in a rough English colony,—the essentials of civilization there depend on far different influences.

* Not found in Anthony Trollope's novels. — ED.

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And, manner being so useful and so important, usages and customs grow up to develop it. Asiatic society is full of such things, if it should not rather be said to be composed of them.

"From the spirit and decision of a public envoy upon such points," says Sir John Malcolm, "the Persians very generally form their opinion of the character of the country he represents. This fact I had read in books, and all I saw convinced me of its truth. Fortunately the Elchee had resided at some of the principal courts of India, whose usages are very similar; he was therefore deeply versed in that important science denominated 'Kâida-e-nishest-oo-berkhâst' (or the art of sitting and rising), in which is included a knowledge of the forms and manners of good society, and particularly those of Asiatic kings and their courts.

"He was quite aware, on his first arrival in Persia, of the consequence of every step he took on such delicate points; he was therefore anxious to fight all his battles regarding ceremonies before he came near the footstool of royalty. We were consequently plagued, from the moment we landed at Abusheher till we reached Shiraz, with daily — almost hourly — drilling, that we might be perfect in our demeanor at all places and under all circumstances. We were carefully instructed where to ride in a procession, where to stand or sit within doors, when to rise from our seats, how far to advance to meet a visitor, and to what part of the tent or house we were to follow him when he departed, if he was of sufficient rank to make us stir a step.

"The regulations of our risings and standings and movings and reseatings were, however, of comparatively less importance than the time and manner of smoking our kelliâns and taking our coffee. It is quite astonishing how much depends upon coffee and tobacco in Persia: men are gratified or offended according to the mode in which these favorite refreshments are offered. You welcome a visitor or send him off by the way in which you call for a pipe or a cup of coffee; then you mark in the most minute manner every shade of attention and consideration by the mode in which he is treated. If he be above you, you present these refreshments yourself, and do not partake till commanded; if equal, you exchange pipes and present him with coffee, taking the next cup yourself; if a little below you, and you wish to pay him attention, you leave him to smoke his own pipe, but the servant gives him, according to your condescending nod, the first cup of coffee; if much inferior, you keep your distance and maintain your rank by taking the first

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cup of coffee yourself, and then directing the servant, by a wave of the hand, to help the guest.

"When a visitor arrives, the coffee and pipe are called for to welcome him; a second call for these articles announces that he may depart: but this part of the ceremony varies according to the relative rank or intimacy of the parties.

"These matters may appear light to those with whom observances of this character are habits, not rules; but in this country they are of primary consideration, a man's importance with himself and with others depending on them."*

In ancient customary societies the influence of manner, which is a primary influence, has been settled into rules, so that it may aid established usages and not thwart them; that it may, above all, augment the *habit* of going by custom, and not break and weaken it. Every aid, as we have seen, was wanted to impose the yoke of custom upon such societies; and impressing the power of manner to serve them was one of the greatest aids.

And lastly, we now understand why order and civilization are so unstable even in progressive communities. We see frequently in states what physiologists call "atavism,"—the return in part to the unstable nature of their barbarous ancestors. Such scenes of cruelty and horror as happened in the great French Revolution, and as happen more or less in every great riot, have always been said to bring out a secret and suppressed side of human nature; and we now see that they were the outbreak of inherited passions long repressed by fixed custom, but starting into life as soon as that repression was catastrophically removed and when sudden choice was given. The instability of mankind, too, is only part of their imperfect transitory civilization and of their original savage nature: they could not look steadily to a given end for an hour in their prehistoric state; and even now, when excited or when suddenly and wholly thrown out of their old grooves, they can scarcely do

*"Sketches of Persia," Chap. ix.

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so. Even some very high races, as the French and the Irish, seem in troubled times hardly to be stable at all, but to be carried everywhere as the passions of the moment and the ideas generated at the hour may determine. But thoroughly to deal with such phenomena as these, we must examine the mode in which national characters can be emancipated from the rule of custom and can be prepared for the use of choice.

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No. V.

THE AGE OF DISCUSSION.

THE greatest living contrast is between the old Eastern and customary civilizations and the new Western and changeable civilizations. A year or two ago an inquiry was made of our most intelligent officers in the East, not as to whether the English government were really doing good in the East, but as to whether the natives of India themselves thought we were doing good; to which, in a majority of cases, the officers who were the best authority answered thus:— "No doubt you are giving the Indians many great benefits: you give them continued peace, Free Trade, the right to live as they like subject to the laws; in these points and others they are far better off than they ever were, — but still they cannot make you out. What puzzles them is your constant disposition to change, or as you call it, improvement. Their own life in every detail being regulated by ancient usage, they cannot comprehend a policy which is always bringing something new. They do not a bit believe that the desire to make them comfortable and happy is the root of it: they believe on the contrary that you are aiming at something which they do not understand, — that you mean to 'take away their religion'; in a word, that the end and object of all these continual changes is to make Indians not what they are and what they like to be, but something new and different from what they are, and what they would not like to be." In the East, in a word, we are attempting to put new wine into old bottles, — to pour what we can of a civilization whose spirit is progress into the form of a civilization whose spirit is fixity; and whether we shall succeed or not is perhaps

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the most interesting question in an age abounding almost beyond example in questions of political interest.

Historical inquiries show that the feeling of the Hindoos is the old feeling, and that the feeling of the Englishman is a modern feeling. Old law rests, as Sir Henry Maine puts it, not on contract but on *status.** The life of ancient civilization, so far as legal records go, runs back to a time when every important particular of life was settled by a usage which was social, political, and religious (as we should now say) all in one; which those who obeyed it could not have been able to analyze, — for those distinctions had no place in their mind and language, — but which they felt to be a usage of imperishable import and above all things to be kept unchanged. In former papers I have shown, or at least tried to show, why these customary civilizations were the only ones which suited an early society; why, so to say, they alone could have been first; in what manner they had in their very structure a decisive advantage over all competitors. But now comes the further question, If fixity is an invariable ingredient in early civilizations, how then did any civilization become unfixed? No doubt most civilizations stuck where they first were; no doubt we see now why stagnation is the rule of the world and why progress is the very rare exception: but we do not learn what it is which has caused progress in these few cases, or the absence of what it is which has denied it in all others.

To this question history gives a very clear and very remarkable answer: it is, that the change from the age of *status* to the age of choice was first made in states where the government was to a great and a growing extent a government by discussion, and where the subjects of that discussion were in some degree abstract, or as we should say, matters of principle. It was in the small republics of Greece and Italy that the chain of custom was first broken:

* "The movement has been from *status* to *contract*." — Introduction to "Ancient Law."

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"'Let there be light!' said Liberty;
And like sunrise from the sea,
Athens arose!"*

says Shelley; and his historical philosophy is in this case far more correct than is usual with him. A free state, a state with liberty, means a state — call it republic or call it monarchy — in which the sovereign power is divided between many persons, and in which there is a discussion among those persons; of these the Greek republics were the first in history if not in time, and Athens was the greatest of those republics.

After the event it is easy to see why the teaching of history should be this and nothing else; it is easy to see why the common discussion of common actions or common interests should become the root of change and progress. In early society, originality in life was forbidden and repressed by the fixed rule of life; it may not have been quite so much so in ancient Greece as in some other parts of the world, but it was very much so even there. As a recent writer has well said, "Law then presented itself to men's minds as something venerable and unchangeable, as old as the city; it had been delivered by the founder himself, when he laid the walls of the city and kindled its sacred fire." An ordinary man who wished to strike out a new path, to begin a new and important practice by himself, would have been peremptorily required to abandon his novelties on pain of death: he was deviating, he would be told, from the ordinances imposed by the gods on his nation, and he must not do so to please himself; on the contrary, others were deeply interested in his actions, — if he disobeyed, the gods might inflict grievous harm on all the people as well as him. Each partner in the most ancient kind of partnerships was supposed to have the power of attracting the wrath of the divinities on the entire firm, upon the other partners quite as much as upon himself. The quaking bystanders in a superstitious

* "Hellas."

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age would soon have slain an isolated bold man in the beginning of his innovations. What Macaulay so relied on as the incessant source of progress, the desire of man to better his condition,* was not then permitted to work: man was required to live as his ancestors had lived.

Still farther away from those times were the "free thought" and the "advancing sciences" of which we now hear so much. The first and most natural subject upon which human thought concerns itself is religion; the first wish of the half-emancipated thinker is, to use his reason on the great problems of human destiny, — to find out whence he came and whither he goes, to form for himself the most reasonable idea of God which he can form. But as Mr. Grote happily said, "This is usually what ancient times would not let a man do: his *gens* or his φρατρία required him to believe as they believed." † Toleration is of all ideas the most modern, because the notion that the bad religion of A cannot impair here or hereafter the welfare of B is, strange to say, a modern idea. And the help of "science" at that stage of thought is still more nugatory. Physical science as we conceive it — that is, the systematic investigation of external nature in detail — did not then exist: a few isolated observations on surface things, a half-correct calendar, — secrets mainly of priestly invention and in priestly custody, — were all that was then imagined; the idea of using a settled study of nature as a basis for the discovery of new instruments and new things did not then exist, — it is indeed a modern idea, and is peculiar to a few European countries even yet. In the most intellectual city of the ancient world, in its most intellectual age, Socrates, its most intellectual inhabitant, discouraged the study of physics because they engendered uncertainty and did not augment human happiness: the kind of knowledge which is most connected with human progress now was that least connected with it then.

* In *modern England:* "History of England," Chap. xix. — Ed.

† "Plato," Vol. i., page 251, — in substance, not words.

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But a government by discussion, if it can be borne, at once breaks down the yoke of fixed custom: the idea of the two is inconsistent. As far as it goes, the mere putting up of a subject to discussion, with the object of being guided by that discussion, is a clear admission that that subject is in no degree settled by established rule, and that men are free to choose in it; it is an admission too that there is no sacred authority, no one transcendent and divinely appointed man, whom in that matter the community is bound to obey. And if a single subject or group of subjects be once admitted to discussion, ere long the habit of discussion comes to be established, the sacred charm of use and wont to be dissolved. "Democracy," it has been said in modern times, "is like the grave: it takes, but it does not give." The same is true of "discussion": once effectually submit a subject to that ordeal, and you can never withdraw it again; you can never again clothe it with mystery or fence it by consecration; it remains forever open to free choice and exposed to profane deliberation.

The only subjects which can be first submitted — or which till a very late age of civilization can be submitted — to discussion in the community are the questions involving the visible and pressing interests of the community; they are political questions of high and urgent import. If a nation has in any considerable degree gained the habit and exhibited the capacity to discuss these questions with freedom and to decide them with discretion, to argue much on politics and not to argue ruinously, an enormous advance in other kinds of civilization may confidently be predicted for it; and the reason is a plain deduction from the principles which we have found to guide early civilization. The first prehistoric men were passionate savages, with the greatest difficulty coerced into order and compressed into a state, for ages were spent in beginning that order and founding that state; the only sufficient and effectual agent in

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so doing was consecrated custom: but then that custom gathered over everything, arrested all onward progress, and stayed the originality of mankind. If therefore a nation is able to gain the benefit of custom without the evil, — if after ages of waiting it can have order and choice together, — at once the fatal clog is removed, and the ordinary springs of progress, as in a modern community we conceive them, begin their elastic action.

Discussion, too, has incentives to progress peculiar to itself. It gives a premium to intelligence: to set out the arguments required to determine political action with such force and effect that they really should determine it is a high and great exertion of intellect. Of course all such arguments are produced under conditions: the argument abstractedly best is not necessarily the winning argument. Political discussion must move those who have to act; it must be framed in the ideas and be consonant with the precedent of its time, just as it must speak its language: but within these marked conditions, good discussion is better than bad; no people can bear a government of discussion for a day which does not, within the boundaries of its prejudices and its ideas, prefer good reasoning to bad reasoning, sound argument to unsound. A prize for argumentative mind is given in free states to which no other states have anything to compare.

Tolerance too is learned in discussion; and as history shows, is only so learned. In all customary societies bigotry is the ruling principle; in rude places to this day any one who says anything new is looked on with suspicion, and is persecuted by opinion if not injured by penalty. One of the greatest pains to human nature is the pain of a new idea: it is, as common people say, so "upsetting"; it makes you think that after all your favorite notions may be wrong, your firmest beliefs ill-founded; it is certain that till now there was no place allotted in your mind to

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the new and startling inhabitant, and now that it has conquered an entrance you do not at once see which of your old ideas it will or will not turn out, with which of them it can be reconciled and with which it is at essential enmity. Naturally, therefore, common men hate a new idea, and are disposed more or less to ill-treat the original man who brings it. Even nations with long habits of discussion are intolerant enough: in England, where there is on the whole probably a freer discussion of a greater number of subjects than ever was before in the world, we know how much power bigotry retains. But discussion, to be successful, requires tolerance: it fails wherever, as in a French political assembly, any one who hears anything which he dislikes, tries to howl it down. If we know that a nation is capable of enduring continuous discussion, we know that it is capable of practicing with equanimity continuous tolerance.

The power of a government by discussion as an instrument of elevation plainly depends — other things being equal — on the greatness or littleness of the things to be discussed. There are periods when great ideas are "in the air," and when, from some cause or other, even common persons seem to partake of an unusual elevation. The age of Elizabeth in England was conspicuously such a time: the new idea of the Reformation in religion, and the enlargement of the *mœnia mundi* by the discovery of new and singular lands, taken together, gave an impulse to thought which few if any ages can equal; the discussion, though not wholly free, was yet far freer than in the average of ages and countries,— accordingly, every pursuit seemed to start forward. Poetry, science, and architecture, different as they are, and removed as they all are at first sight from such an influence as discussion, were suddenly started onward. Macaulay would have said you might rightly read the power of discussion in the poetry of Shakespeare, in the prose of Bacon, in "the oriels of Longleat and the

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stately pinnacles of Burleigh." * This is in truth but another case of the principle of which I have had occasion to say so much as to the character of ages and countries: if any particular power is much prized in an age, those possessed of that power will be imitated, those deficient in that power will be despised; in consequence, an unusual quantity of that power will be developed and be conspicuous. Within certain limits vigorous and elevated thought was respected in Elizabeth's time, and therefore vigorous and elevated thinkers were many; and the effect went far beyond the cause, — it penetrated into physical science, for which very few men cared, and it began a reform in philosophy to which almost all were then opposed. In a word, the temper of the age encouraged originality; and in consequence original men started into prominence, went hither and thither where they liked, arrived at goals which the age never expected, and so made it ever memorable.

In this manner all the great movements of thought in ancient and modern times have been nearly connected in time with government by discussion. Athens, Rome, the Italian republics of the Middle Ages, the communes and states-general of feudal Europe, have all had a special and peculiar quickening influence, which they owed to their freedom, and which states without that freedom have never communicated. And it has been at the time of great epochs of thought — at the Peloponnesian War, at the fall of the Roman Republic, at the Reformation, at the French Revolution — that such liberty of speaking and thinking have produced their full effect.

It is on this account that the discussions of savage tribes have produced so little effect in emancipating those tribes from their despotic customs. The oratory of the North-American Indian — the first savage whose peculiarities fixed themselves in the public imagination — has become celebrated,† and yet the North-American Indians were scarcely if at all better

* Essay on History, near end. † But cf. Palfrey's "New England," i. 84.

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orators than many other savages; almost all of the savages who have melted away before the Englishman were better speakers than he is: but the oratory of the savages has led to nothing, and was likely to lead to nothing. It is a discussion not of principles but of undertakings: its topics are whether expedition A will answer and should be undertaken, whether expedition B will not answer and should not be undertaken, whether village A is the best village to plunder or whether village B is a better. Such discussions augment the vigor of language, encourage a debating facility, and develop those gifts of demeanor and of gesture which excite the confidence of the hearers; but they do not excite the speculative intellect, do not lead men to argue speculative doctrines or to question ancient principles. They in some material respects improve the sheep within the fold, but they do not help them or incline them to leap out of the fold.

The next question therefore is, Why did discussions in some cases relate to prolific ideas, and why did discussions in other cases relate only to isolated transactions? The reply which history suggests is very clear and very remarkable. Some races of men at our earliest knowledge of them have already acquired the basis of a free constitution; they have already the rudiments of a complex polity,—a monarch, a senate, and a general meeting of citizens. The Greeks were one of those races: and it happened, as was natural, that there was in process of time a struggle—the earliest that we know of—between the aristocratical party, originally represented by the senate, and the popular party, represented by the "general meeting." This is plainly a question of principle; and its being so has led to its history being written more than two thousand years afterwards in a very remarkable manner. Some seventy years ago an English country gentleman named Mitford, who like so many of his age had been terrified into

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aristocratic opinions by the first French Revolution, suddenly found that the history of the Peloponnesian War was the reflex of his own time; he took up his Thucydides, and there he saw as in a mirror the progress and the struggles of his age. It required some freshness of mind to see this; at least it had been hidden for many centuries. All the modern histories of Greece before Mitford had but the vaguest idea of it; and not being a man of supreme originality, he would doubtless have had very little idea of it either, except that the analogy of what he saw helped him by a telling object-lesson to the understanding of what he read. Just as in every country of Europe in 1793 there were two factions, one of the old-world aristocracy and the other of the incoming democracy, just so there was in every city of ancient Greece in the year 400 B. C. one party of the many and another of the few. This Mr. Mitford perceived; and being a strong aristocrat, he wrote a "history" which is little except a party pamphlet, and which, it must be said, is even now readable on that very account: the vigor of passion with which it was written puts life into the words and retains the attention of the reader. And that is not all: Mr. Grote, the great scholar whom we have had lately to mourn, also recognizing the identity between the struggles of Athens and Sparta and the struggles of our modern world, and taking violently the contrary side to that of Mitford, being as great a democrat as Mitford was an aristocrat, wrote a reply, far above Mitford's history in power and learning, but being in its main characteristic almost identical, — being above all things a book of vigorous political passion, written for persons who care for politics, and not, as almost all histories of antiquity are and must be, the book of a man who cares for scholarship more than for anything else, written mainly if not exclusively for scholars. And the effect of fundamental political discussion was the same in ancient as in modern times: the whole

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customary ways of thought were at once shaken by it, and shaken not only in the closets of philosophers but in the common thought and daily business of ordinary men. The "liberation of humanity," as Goethe used to call it,—the deliverance of men from the yoke of inherited usage and of rigid unquestionable law,—was begun in Greece, and had many of its greatest effects, good and evil, on Greece. It is just because of the analogy between the controversies of that time and those of our times that some one has said, "Classical history is a part of modern history: it is mediæval history only which is ancient."

If there had been no discussion of principle in Greece, probably she would still have produced works of art. Homer contains no such discussion: the speeches in the "Iliad," which Mr. Gladstone, the most competent of living judges, maintains to be the finest ever composed by man, are not discussions of principle; there is no more tendency in them to critical disquisition than there is to political economy. In Herodotus you have the beginning of the age of discussion. He belongs in his essence to the age which is going out; he refers with reverence to established ordinance and fixed religion: still, in his travels through Greece he must have heard endless political arguments, and accordingly you can find in his book many incipient traces of abstract political disquisition. The discourses on democracy, aristocracy, and monarchy, which he puts into the mouth of the Persian conspirators when the monarchy was vacant, have justly been called absurd as speeches supposed to have been spoken by those persons: no Asiatic ever thought of such things,—you might as well imagine Saul or David speaking them as those to whom Herodotus attributes them; they are Greek speeches, full of free Greek discussion, and suggested by the experience—already considerable—of the Greeks in the results of discussion. The age of debate is beginning, and even Herodotus, the least of a wrangler of

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any man and the most of a sweet and simple narrator, felt the effect. When we come to Thucydides, the results of discussion are as full as they have ever been: his light is pure "dry light," free from the "humors" of habit and purged from consecrated usage. As Grote's history often reads like a report to Parliament, so half Thucydides reads like a speech or materials for a speech in the Athenian Assembly. Of later times it is unnecessary to speak. Every page of Aristotle and Plato bears ample and indelible trace of the age of discussion in which they lived; and thought cannot possibly be freer. The deliverance of the speculative intellect from traditional and customary authority was altogether complete.

No doubt the "detachment" from prejudice and the subjection to reason which I ascribe to ancient Athens only went down a very little way among the population of it. Two great classes of the people, the slaves and women, were almost excluded from such qualities; even the free population doubtless contained a far greater proportion of very ignorant and very superstitious persons than we are in the habit of imagining. We fix our attention on the best specimens of Athenian culture, on the books which have descended to us, and we forget that the corporate action of the Athenian people at various critical junctures exhibited the most gross superstition. Still, as far as the intellectual and cultivated part of society is concerned, the triumph of reason was complete: the minds of the highest philosophers were then as ready to obey evidence and reason as they have ever been since, — probably they were more ready. The rule of custom over them at least had been wholly broken, and the primary conditions of intellectual progress were in that respect satisfied.

It may be said that I am giving too much weight to the classical idea of human development; that history contains the record of another progress as well, that in a certain sense there was progress in

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Judæa as well as in Athens. And unquestionably there was progress, but it was only progress upon a single subject: if we except religion and omit also all that the Jews had learned from foreigners, it may be doubted if there be much else new between the time of Samuel and that of Malachi; in religion there was progress, but without it there was not any. This was due to the cause of that progress: all over antiquity, all over the East and over other parts of the world which preserve more or less nearly their ancient condition, there are two classes of religious teachers,—one the priests, the inheritors of past accredited inspiration, the other the prophet, the possessor of a like present inspiration. Curtius describes the distinction well in relation to the condition of Greece with which history first presents us:—

"The mantic art is an institution totally different from the priesthood. It is based on the belief that the gods are in constant proximity to men, and in their government of the world, which comprehends everything both great and small, will not disdain to manifest their will; nay, it seems necessary that whenever any hitch has arisen in the moral system of the human world, this should also manifest itself by some sign in the world of nature, if only mortals are able to understand and avail themselves of these divine hints.

"For this a special capacity is requisite; not a capacity which can be learnt like a human art or science, but rather a peculiar state of grace in the case of single individuals and single families, whose ears and eyes are opened to the divine revelations, and who participate more largely than the rest of mankind in the divine spirit. Accordingly it is their office and calling to assert themselves as organs of the divine will; they are justified in opposing their authority to every power of the world. On this head conflicts were unavoidable; and the reminiscences living in the Greek people of the agency of a Tiresias and Calchas prove how the Heroic kings experienced not only support and aid, but also opposition and violent protests, from the mouths of the men of prophecy."*

In Judæa there was exactly the same opposition as elsewhere: all that is new comes from the prophets,

*"History of Greece," Book ii., Chap. iv.

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all which is old is retained by the priests. But the peculiarity of Judæa — a peculiarity which I do not for a moment pretend that I can explain — is that the prophetic revelations are, taken as a whole, indisputably improvements; that they contain, as time goes on, at each succeeding epoch higher and better views of religion. But the peculiarity is not to my present purpose: my point is that there is no such spreading impetus in progress thus caused as there is in progress caused by discussion; to receive a particular conclusion upon the *ipse dixit*, upon the accepted authority, of an admired instructor is obviously not so vivifying to the argumentative and questioning intellect as to argue out conclusions for yourself. Accordingly the religious progress caused by the prophets did not break down that ancient code of authoritative usage; on the contrary, the two combined: in each generation the conservative influence "built the sepulchres" and accepted the teaching of past prophets, even while it was slaying and persecuting those who were living. But discussion and custom cannot be thus combined; their "method," as modern philosophers would say, is antagonistic: accordingly the progress of the classical states gradually awakened the whole intellect, that of Judæa was partial and improved religion only; and therefore in a history of intellectual progress the classical fills the superior and the Jewish the inferior place, just as in a special history of theology only, the places of the two might be interchanged.

A second experiment has been tried on the same subject-matter. The characteristic of the Middle Ages may be approximately — though only approximately — described as a return to the period of authoritative usage and as an abandonment of the classical habit of independent and self-choosing thought. I do not for an instant mean that this is an exact description of the main mediæval characteristic, nor can I discuss how far that characteristic was an advance upon

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those of previous times; its friends say it is far better than the peculiarities of the classical period, its enemies that it is far worse: but both friends and enemies will admit that the most marked feature of the Middle Ages may roughly be described as I have described it. And my point is, that just as this mediæval characteristic was that of a return to the essence of the customary epoch which had marked the pre-Athenian times, so it was dissolved much in the same manner as the influence of Athens, and other influences like it, claim to have dissolved that customary epoch.

The principal agent in breaking up the persistent mediæval customs, which were so fixed that they seemed likely to last forever or till some historical catastrophe overwhelmed them, was the popular element in the ancient polity which was everywhere diffused in the Middle Ages. The Germanic tribes brought with them from their ancient dwelling-place a polity containing like the classical a king, a council, and a popular assembly; and wherever they went they carried these elements, and varied them as force compelled or circumstances required. As far as England is concerned, the excellent dissertations of Mr. Freeman and Mr. Stubbs have proved this in the amplest manner, and brought it home to persons who cannot claim to possess much antiquarian learning. The history of the English Constitution, as far as the world cares for it, is in fact the complex history of the popular element in this ancient polity, which was sometimes weaker and sometimes stronger, but which has never died out, has commonly possessed great though varying power, and is now entirely predominant. The history of this growth is the history of the English people; and the discussions about this Constitution and the discussions within it, the controversies as to its structure and the controversies as to its true effects, have mainly trained the English political intellect in so far as it is trained. But in much

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of Europe, and in England particularly, the influence of religion has been very different from what it was in antiquity: it has been an influence of discussion; since Luther's time there has been a conviction, more or less rooted, that a man may by an intellectual process think out a religion for himself, and that as the highest of all duties he ought to do so. The influence of the political discussion and the influence of the religious discussion have been so long and so firmly combined, and have so effectually enforced one another, that the old notions of loyalty and fealty and authority, as they existed in the Middle Ages, have now over the best minds almost no effect.

It is true that the influence of discussion is not the only force which has produced this vast effect: both in ancient and in modern times other forces co-operated with it. Trade, for example, is obviously a force which has done much to bring men of different customs and different beliefs into close contiguity, and has thus aided to change the customs and the beliefs of them all. Colonization is another such influence: it settles men among aborigines of alien race and usages, and it commonly compels the colonists not to be over-strict in the choice of their own elements; they are obliged to coalesce with and "adopt" useful bands and useful men, though their ancestral customs may not be identical [with] — nay, though they may be in fact opposite to — their own. In modern Europe, the existence of a cosmopolite Church claiming to be above nations and really extending through nations, and the scattered remains of Roman law and Roman civilization, co-operated with the liberating influence of political discussion; and so did other causes also: but perhaps in no case have these subsidiary causes alone been able to generate intellectual freedom; certainly in all the most remarkable cases, the influence of discussion has presided at the creation of that freedom and has been active and dominant in it.

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No doubt apparent cases of exception may easily be found. It may be said that in the court of Augustus there was much general intellectual freedom, an almost entire detachment from ancient prejudice, but that there was no free political discussion at all; but then, the ornaments of that time were derived from a time of great freedom, — it was the republic which trained the men whom the empire ruled. The close congregation of most miscellaneous elements under the Empire was no doubt of itself unfavorable to inherited prejudice and favorable to intellectual exertion; yet except in the instance of the Church, which is a peculiar subject that requires a separate discussion, how little was added to what the Republic left! The power of free interchange of ideas being wanting, the ideas themselves were barren. Also, no doubt, much intellectual freedom may emanate from countries of free political discussion, and penetrate to countries where that discussion is limited: thus the intellectual freedom of France in the eighteenth century was in great part owing to the proximity of and incessant intercourse with England and Holland; Voltaire resided among us, and every page of the "Esprit des Lois" proves how much Montesquieu learned from living here. But of course it was only part of the French culture which was so derived, — the germ might be foreign, but the tissue was native: and very naturally, for it would be absurd to call the *ancien régime* a government without discussion; discussion abounded there, only by reason of the bad form of the government it was never sure with ease and certainty to affect political action. The despotism "tempered by epigram" was a government which permitted argument of licentious freedom within changing limits, and which was ruled by that argument spasmodically and practically, though not in name or consistently.

But though in the earliest and in the latest time, government by discussion has been a principal organ

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for improving mankind, yet from its origin it is a plant of singular delicacy; at first the chances are much against its living. In the beginning the members of a free state are of necessity few: the essence of it requires that discussion shall be brought home to those members; but in early time, when writing is difficult, reading rare, and representation undiscovered, those who are to be guided by the discussion must hear it with their own ears, must be brought face to face with the orator and must feel his influence for themselves. The first free states were little towns, smaller than any political division which we now have, except the republic of Andorre which is a sort of vestige of them; it is in the market-place of the country town, as we should now speak, and in petty matters concerning the market-town, that discussion began, and thither all the long train of its consequences may be traced back. Some historical inquirers, like myself, can hardly look at such a place without some sentimental musing, poor and trivial as the thing seems. But such small towns are very feeble: numbers, in the earliest wars as in the latest, are a main source of victory. And in early times one kind of state is very common and is exceedingly numerous: in every quarter of the globe we find great populations compacted by traditional custom and consecrated sentiment, which are ruled by some soldier,— generally some soldier of a foreign tribe, who has conquered them and (as it has been said) "vaulted on the back" of them, or whose ancestors have done so. These great populations, ruled by a single will, have doubtless trodden down and destroyed innumerable little cities who were just beginning their freedom.

In this way the Greek cities in Asia were subjected to the Persian power, and so *ought* the cities in Greece proper to have been subjected also: every schoolboy must have felt that nothing but amazing folly and unmatched mismanagement saved Greece from conquest both in the time of Xerxes and in that of Darius;

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the fortunes of intellectual civilization were then at the mercy of what seems an insignificant probability. If the Persian leaders had only shown that decent skill and ordinary military prudence which it was likely they would show, Grecian freedom would have been at an end: Athens, like so many Ionian cities on the other side of the Ægean, would have been absorbed into a great despotism; all we now remember her for, we should not remember, for it would never have occurred. Her citizens might have been ingenious and imitative and clever, they could not certainly have been free and original. Rome was preserved from subjection to a great empire by her fortunate distance from one: the early wars of Rome are with cities like Rome, about equal in size though inferior in valor; it was only when she had conquered Italy that she began to measure herself against Asiatic despotisms,—she became great enough to beat them before she advanced far enough to contend with them. But such great good fortune was and must be rare: unnumbered little cities which might have rivaled Rome or Athens doubtless perished without a sign long before history was imagined; the small size and slight strength of early free states made them always liable to easy destruction.

And their internal frailty is even greater. As soon as discussion begins, the savage propensities of men break forth; even in modern communities, where those propensities too have been weakened by ages of culture and repressed by ages of obedience, as soon as a vital topic for discussion is well started the keenest and most violent passions break forth. Easily destroyed as are early free states by forces from without, they are even more liable to destruction by forces from within.

On this account such states are very rare in history. Upon the first view of the facts, a speculation might even be set up that they were peculiar to a particular race. By far the most important free

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institutions, and the only ones which have left living representatives in the world, are the offspring either of the first constitutions of the classical nations or of the first constitutions of the Germanic nations; all living freedom runs back to them, and those truths which at first sight would seem the whole of historical freedom can be traced to them: and both the Germanic and the classical nations belong to what ethnologists call the Aryan race. Plausibly it might be argued that the power of forming free states was superior in or peculiar to that family of mankind; but unfortunately for this easy theory, the facts are inconsistent with it. In the first place, all the so-called Aryan race certainly is not free: the eastern Aryans — those, for example, who speak languages derived from the Sanskrit — are amongst the most slavish divisions of mankind; to offer the Bengalese a free constitution and to expect them to work one would be the maximum of human folly. There then must be something else besides Aryan descent which is necessary to fit men for discussion and train them for liberty; and what is worse for the argument we are opposing, some non-Aryan races have been capable of freedom. Carthage, for example, was a Semitic republic: we do not know all the details of its constitution, but we know enough for our present purpose; we know that it was a government in which many proposers took part, and under which discussion was constant, active, and conclusive. No doubt Tyre, the parent city of Carthage, the other colonies of Tyre besides Carthage, and the colonies of Carthage, were all as free as Carthage. We have thus a whole group of ancient republics of non-Aryan race, and one which, being more ancient than the classical republics, could not have borrowed from or imitated them; so that the theory which would make government by discussion the exclusive patrimony of a single race of mankind is on the face of it untenable.

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I am not prepared with any simple counter theory. I cannot profess to explain completely why a very small minimum of mankind were, as long as we know of them, possessed of a polity which as time went on suggested discussions of principle, and why the great majority of mankind had nothing like it. This is almost as hopeless as asking why Milton was a genius and why Bacon was a philosopher; indeed it is the same, because the causes which give birth to the startling varieties of individual character and those which give birth to similar varieties of national character are in fact the same. I have indeed endeavored to show that a marked type of individual character once originating in a nation, and once strongly preferred by it, is likely to be fixed on it and to be permanent in it, from causes which were stated. Granted the beginning of the type, we may, I think, explain its development and aggravation; but we cannot in the least explain why the incipient type of curious characters broke out, if I may so say, in one place rather than in another. Climate and "physical" surroundings, in the largest sense, have unquestionably much influence, they are one factor in the cause; but they are not the only factor, for we find most dissimilar races of men living in the same climate and affected by the same surroundings, and we have every reason to believe that those unlike races have so lived as neighbors for ages. The cause of types must be something outside the tribe acting on something within — something inherited by the tribe; but what that something is, I do not know that any one can in the least explain.

The following conditions may, I think, be historically traced to the nation capable of a polity which suggests principles for discussion, and so leads to progress: — First, the nation must possess the *patria potestas* in some form so marked as to give family life distinctness and precision, and to make a home education and a home discipline possible and probable.

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While descent is traced only through the mother, and while the family is therefore a vague entity, no progress to a high polity is possible. Secondly, that polity would seem to have been created very gradually, by the aggregation of families into clans or *gentes*, and of clans into nations, and then again by the widening of nations so as to include circumjacent outsiders as well as the first compact and sacred group; the number of parties to a discussion was at first augmented very slowly. Thirdly, the number of "open" subjects, as we should say nowadays, — that is, of subjects on which public opinion was optional and on which discussion was admitted, — was at first very small. Custom ruled everything originally, and the area of free argument was enlarged but very slowly. If I am at all right, that area could only be enlarged thus slowly; for custom was in early days the cement of society, and if you suddenly questioned such custom you would destroy society. But though the existence of these conditions may be traced historically, and though the reason of them may be explained philosophically, they do not completely solve the question why some nations have the polity and some not; on the contrary, they plainly leave a large "residual phenomenon" unexplained and unknown.

II.

In this manner polities of discussion broke up the old bonds of custom which were now strangling mankind, though they had once aided and helped it; but this is only one of the many gifts which those politics have conferred, are conferring, and will confer on mankind. I am not going to write a eulogium on liberty, but I wish to set down three points which have not been sufficiently noticed.

Civilized ages inherit the human nature which was victorious in barbarous ages, and that nature is

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in many respects not at all suited to civilized circumstances. A main and principal excellence in the early times of the human races is the impulse to action. The problems before men are then plain and simple: the man who works hardest, the man who kills the most deer, the man who catches the most fish — even later on, the man who tends the largest herds or the man who tills the largest field — is the man who succeeds; the nation which is quickest to kill its enemies or which kills most of its enemies is the nation which succeeds. All the inducements of early society tend to foster immediate action, all its penalties fall on the man who pauses; the traditional wisdom of those times was never weary of inculcating that "delays are dangerous," and that the sluggish man — the man "who roasteth not that which he took in hunting" — will not prosper on the earth, and indeed will very soon perish out of it: and in consequence an inability to stay quiet, an irritable desire to act directly, is one of the most conspicuous failings of mankind.

Pascal said that most of the evils of life arose from "man's being unable to sit still in a room"; and though I do not go that length, it is certain that we should have been a far wiser race than we are if we had been readier to sit quiet, — we should have known much better the way in which it was best to act when we came to act. The rise of physical science, the first great body of practical truth provable to all men, exemplifies this in the plainest way: if it had not been for quiet people who sat still and studied the sections of the cone, if other quiet people had not sat still and studied the theory of infinitesimals, or other quiet people had not sat still and worked out the doctrine of chances (the most "dreamy moonshine," as the purely practical mind would consider, of all human pursuits), if "idle stargazers" had not watched long and carefully the motions of the heavenly bodies, — our modern astronomy

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would have been impossible, and without our astronomy "our ships, our colonies, our seamen," all which makes modern life modern life, could not have existed. Ages of sedentary, quiet, thinking people were required before that noisy existence began, and without those pale preliminary students it never could have been brought into being. And nine-tenths of modern science is in this respect the same: it is the produce of men whom their contemporaries thought dreamers, who were laughed at for caring for what did not concern them, who as the proverb went "walked into a well from looking at the stars," who were believed to be useless if any one could be such. And the conclusion is plain that if there had been more such people, if the world had not laughed at those there were, if rather it had encouraged them, there would have been a great accumulation of proved science ages before there was. It was the irritable activity, the "wish to be doing something," that prevented it, — most men inherited a nature too eager and too restless to be quiet and find out things: and even worse, with their idle clamor they "disturbed the brooding hen"; they would not let those be quiet who wished to be so, and out of whose calm thought much good might have come forth.

If we consider how much science has done and how much it is doing for mankind, and if the over-activity of men is proved to be the cause why science came so late into the world and is so small and scanty still, that will convince most people that our over-activity is a very great evil; but this is only part and perhaps not the greatest part of the harm that over-activity does. As I have said, it is inherited from times when life was simple, objects were plain, and quick action generally led to desirable ends: if A kills B before B kills A, then A survives and the human race is a race of A's. But the issues of life are plain no longer: to act rightly in modern society requires a great deal of previous study, a

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great deal of assimilated information, a great deal of sharpened imagination; and these prerequisites of sound action require much time, and I was going to say much "lying in the sun," a long period of "mere passiveness." Even the art of killing one another, which at first particularly trained men to be quick, now requires them to be slow: a hasty general is the worst of generals nowadays; the best is a sort of Von Moltke, who is passive if any man ever was passive, who is "silent in seven languages," who possesses more and better accumulated information as to the best way of killing people than any one who ever lived. This man plays a restrained and considerate game of chess with his enemy. I wish the art of benefiting men had kept pace with the art of destroying them; for though war has become slow, philanthropy has remained hasty. The most melancholy of human reflections, perhaps, is that on the whole it is a question whether the benevolence of mankind does most good or harm. Great good, no doubt, philanthropy does, but then it also does great evil: it augments so much vice, it multiplies so much suffering, it brings to life such great populations to suffer and to be vicious, that it is open to argument whether it be or be not an evil to the world; and this is entirely because excellent people fancy that they can do much by rapid action, that they will most benefit the world when they most relieve their own feelings, that as soon as an evil is seen "something" ought to be done to stay and prevent it. One may incline to hope that the balance of good over evil is in favor of benevolence; one can hardly bear to think that it is not so: but anyhow it is certain that there is a most heavy debit of evil, and that this burden might almost all have been spared us if philanthropists as well as others had not inherited from their barbarous forefathers a wild passion for instant action.

Even in commerce, which is now the main occupation of mankind, and one in which there is a ready

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test of success and failure wanting in many higher pursuits, the same disposition to excessive action is very apparent to careful observers. Part of every mania is caused by the impossibility to get people to confine themselves to the amount of business for which their capital is sufficient, and in which they can engage safely. In some degree, of course, this is caused by the wish to get rich; but in a considerable degree too by the mere love of activity. There is a greater propensity to action in such men than they have the means of gratifying: operations with their own capital will only occupy four hours of the day, and they wish to be active and to be industrious for eight hours, and so they are ruined; if they could only have sat idle the other four hours, they would have been rich men. The amusements of mankind, at least of the English part of mankind, teach the same lesson: our shooting, our hunting, our traveling, our climbing have become laborious pursuits; it is a common saying abroad that "an Englishman's notion of a holiday is a fatiguing journey," and this is only another way of saying that the immense energy and activity which have given us our place in the world have in many cases descended to those who do not find in modern life any mode of using that activity and of venting that energy.

Even the abstract speculations of mankind bear conspicuous traces of the same excessive impulse. Every sort of philosophy has been systematized; and yet as these philosophies utterly contradict one another, most of them cannot be true. Unproved abstract principles without number have been eagerly caught up by sanguine men, and then carefully spun out into books and theories which were to explain the whole world; but the world goes clear against these abstractions, and it must do so, as they require it to go in antagonistic directions. The mass of a system attracts the young and impresses the unwary, but cultivated people are very dubious about it; they are

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ready to receive hints and suggestions, and the smallest real truth is ever welcome, but a large book of deductive philosophy is much to be suspected: no doubt the deductions may be right, — in most writers they are so, — but where did the premises come from? who is sure that they are the whole truth and nothing but the truth of the matter in hand? who is not almost sure beforehand that they will contain a strange mixture of truth and error, and therefore that it will not be worth while to spend life in reasoning over their consequences? In a word, the superfluous energy of mankind has flowed over into philosophy, and has worked into big systems what should have been left as little suggestions.

And if the old systems of thought are not true *as* systems, neither is the new revolt from them to be trusted in its whole vigor: there is the same original vice in that also; there is an excessive energy in revolutions if there is such energy anywhere. The passion for action is quite as ready to pull down as to build up; probably it is more ready, for the task is easier.

> "Old things need not be therefore true,
> O brother men, nor yet the new;
> Ah, still awhile the old thought retain,
> And yet consider it again."*

But this is exactly what the human mind will not do: it will act somehow at once; it will not "consider it again."

But it will be said, What has government by discussion to do with these things? will it prevent them, or even mitigate them? It can and does do both, in the very plainest way. If you want to stop instant and immediate action, always make it a condition that the action shall not begin till a considerable number of persons have talked over it and have agreed on it. If those persons be people of different

*Arthur Hugh Clough.

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temperaments, different ideas, and different educations, you have an almost infallible security that nothing or almost nothing will be done with excessive rapidity. Each kind of persons will have their spokesman; each spokesman will have his characteristic objection and each his characteristic counter-proposition: and so in the end nothing will probably be done, or at least only the minimum which is plainly urgent. In many cases this delay may be dangerous, in many cases quick action will be preferable; a campaign, as Macaulay well says, cannot be directed by a "debating society,"* and many other kinds of action also require a single and absolute general: but for the purpose now in hand — that of preventing hasty action and insuring elaborate consideration — there is no device like a polity of discussion.

The enemies of this object — the people who want to act quickly — see this very distinctly: they are forever explaining that the present is "an age of committees," that the committees do nothing, that all evaporates in talk. Their great enemy is parliamentary government: they call it, after Mr. Carlyle, the "national palaver"; they add up the hours that are consumed in it and the speeches which are made in it, and they sigh for a time when England might again be ruled, as it once was, by a Cromwell, — that is, when an eager absolute man might do exactly what other eager men wished, and do it immediately. All these invectives are perpetual and many-sided; they come from philosophers each of whom wants some new scheme tried, from philanthropists who want some evil abated, from revolutionists who want some old institution destroyed, from new-eraists who want their new era started forthwith: and they all are distinct admissions that a polity of discussion is the greatest hindrance to the inherited mistake of human nature, — to the desire to act promptly, which in a simple age is so excellent, but which in a later and complex time leads to so much evil.

* "Debating club." — "Hist. England," Chap. v., on Argyle's expedition.

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The same accusation against our age sometimes takes a more general form: it is alleged that our energies are diminishing, that ordinary and average men have not the quick determination nowadays which they used to have when the world was younger, that not only do not committees and parliaments act with rapid decisiveness but that no one now so acts; and I hope that in fact this is true, for according to me it proves that the hereditary barbaric impulse is decaying and dying out. So far from thinking the quality attributed to us a defect, I wish that those who complain of it were far more right than I much fear they are. Still, certainly, eager and violent action *is* somewhat diminished, though only by a small fraction of what it ought to be; and I believe that this is in great part due, in England at least, to our government by discussion, which has fostered a general intellectual tone, a diffused disposition to weigh evidence, a conviction that much may be said on every side of everything which the elder and more fanatic ages of the world wanted. This is the real reason why our energies seem so much less than those of our fathers. When we have a definite end in view, which we know we want and which we think we know how to obtain, we can act well enough: the campaigns of our soldiers are as energetic as any campaigns ever were; the speculations of our merchants have greater promptitude, greater audacity, greater vigor than any such speculations ever had before. In old times a few ideas got possession of men and communities, but this is happily now possible no longer: we see how incomplete these old ideas were; how almost by chance one seized on one nation and another on another; how often one set of men have persecuted another set for opinions on subjects of which neither, we now perceive, knew anything. It might be well if a greater number of effectual demonstrations existed among mankind: but while no such demonstrations exist, and while the

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evidence which completely convinces one man seems to another trifling and insufficient, let us recognize the plain position of inevitable doubt; let us not be bigots with a doubt and persecutors without a creed. We are beginning to see this, and we are railed at for so beginning: but it is a great benefit, and it is to the incessant prevalence of detective discussion that our doubts are due; and much of that discussion is due to the long existence of a government requiring constant debates, written and oral.

This is one of the unrecognized benefits of free government, one of the modes in which it counteracts the excessive inherited impulses of humanity. There is another also for which it does the same, but which I can only touch delicately, and which at first sight will seem ridiculous. The most successful races, other things being equal, are those which multiply the fastest: in the conflicts of mankind, numbers have ever been a great power; the most numerous group has always had an advantage over the less numerous, and the fastest breeding group has always tended to be the most numerous. In consequence, human nature has descended into a comparatively uncontentious civilization with a desire far in excess of what is needed; with a "felt want," as political economists would say, altogether greater than the "real want." A walk in London is all which is necessary to establish this: "the great sin of great cities" is one vast evil consequent upon it. And who is to reckon up how much these words mean,—how many spoiled lives, how many broken hearts, how many wasted bodies, how many ruined minds, how much misery pretending to be gay, how much gayety feeling itself to be miserable, how much after mental pain, how much eating and transmitted disease? And in the moral part of the world, how many minds are racked by incessant anxiety, how many thoughtful imaginations which might have left something to mankind are debased to mean cares, how much every successive

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generation sacrifices to the next, how little does any of them make of itself in comparison with what might be! And how many Irelands have there been in the world where men would have been contented and happy if they had only been fewer; how many more Irelands would there have been if the intrusive numbers had not been kept down by infanticide and vice and misery! How painful is the conclusion that it is dubious whether all the machines and inventions of mankind "have yet lightened the day's labor of a human being"! They have enabled more people to exist, but these people work just as hard and are just as mean and miserable as the elder and the fewer.

But it will be said of this passion, just as it was said of the passion of activity, Granted that it is in excess, how can you say, how on earth can any one say, that government by discussion can in any way cure or diminish it? Cure this evil that government certainly will not; but tend to diminish it I think it does and may. To show that I am not making premises to support a conclusion so abnormal, I will quote a passage from Mr. Spencer, the philosopher who has done most to illustrate this subject:—

"That future progress of civilization which the never-ceasing pressure of population must produce will be accompanied by an enhanced cost of individuation, both in structure and function; and more especially in nervous structure and function. The peaceful struggle for existence in societies ever growing more crowded and more complicated must have for its concomitant an increase of the great nervous centers in mass, in complexity, in activity. The larger body of emotion needed as a fountain of energy for men who have to hold their places and rear their families under the intensifying competition of social life is, other things equal, the correlative of larger brain. Those higher feelings presupposed by the better self-regulation which in a better society can alone enable the individual to leave a persistent posterity are, other things equal, the correlatives of a more complex brain; as are also those more numerous, more varied, more general, and more abstract ideas which must also become increasingly requisite for successful life as society advances. And the genesis of this larger quantity of feeling

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and thought, in a brain thus augmented in size and developed in structure, is, other things equal, the correlative of a greater wear of nervous tissue and greater consumption of materials to repair it; so that both in original cost of construction and in subsequent cost of working, the nervous system must become a heavier tax on the organism. Already the brain of the civilized man is larger by nearly thirty per cent. than the brain of the savage; already too it presents an increased heterogeneity, especially in the distribution of its convolutions; and further changes like these which have taken place under the discipline of civilized life, we infer will continue to take place. But everywhere and always, evolution is antagonistic to procreative dissolution. Whether it be in greater growth of the organs which subserve self-maintenance, whether it be in their added complexity of structure, or whether it be in their higher activity, the abstraction of the required materials implies a diminished reserve of materials for race maintenance. And we have seen reason to believe that this antagonism between individuation and genesis becomes unusually marked where the nervous system is concerned, because of the costliness of nervous structure and function. In § 346 was pointed out the apparent connection between high cerebral development and prolonged delay of sexual maturity; and in §§ 366, 367 the evidence went to show that where exceptional fertility exists there is sluggishness of mind, and that where there has been during education excessive expenditure in mental action, there frequently follows a complete or partial infertility. Hence the particular kind of further evolution which man is hereafter to undergo is one which, more than any other, may be expected to cause a decline in his power of reproduction."*

This means that men who have to live an intellectual life, or who can be induced to lead one, will be likely not to have so many children as they would otherwise have had. In particular cases this may not be true: such men may even have many children, — they may be men in all ways of unusual power and vigor; but they will not have their maximum of posterity, — will not have so many as they would have had if they had been careless or thoughtless men: and so, upon an average, the issue of such intellectualized men will be less numerous than those of the unintellectual.

* "Principles of Biology," Vol. ii., § 374.

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Now, supposing this philosophical doctrine to be true,—and the best philosophers, I think, believe it,—its application to the case in hand is plain. Nothing promotes intellect like intellectual discussion, and nothing promotes intellectual discussion so much as government by discussion. The perpetual atmosphere of intellectual inquiry acts powerfully, as every one may see by looking about him in London, upon the constitution both of men and women. There is only a certain *quantum* of power in each of our race; if it goes in one way it is spent, and cannot go in another. The intellectual atmosphere abstracts strength to intellectual matters; it tends to divert that strength which the circumstances of early society directed to the multiplication of numbers: and as a polity of discussion tends above all things to produce an intellectual atmosphere, the two things which seemed so far off have been shown to be near, and free government has in a second case been shown to tend to cure an inherited excess of human nature.

Lastly, a polity of discussion not only tends to diminish our inherited defects, but also, in one case at least, to augment a heritable excellence. It tends to strengthen and increase a subtle quality or combination of qualities singularly useful in practical life; a quality which it is not easy to describe exactly, and the issues of which it would require not a remnant of an essay, but a whole essay, to elucidate completely. This quality I call *animated moderation.*

If any one were asked to describe what it is which distinguishes the writings of a man of genius who is also a great man of the world from all other writings, I think he would use these same words, "animated moderation": he would say that such writings are never slow, are never excessive, are never exaggerated; that they are always instinct with judgment, and yet that judgment is never a dull judgment; that they have as much spirit in them as would go to make a wild writer, and yet that every line of them

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is the product of a sane and sound writer. The best and almost perfect instance of this in English is Scott. Homer was perfect in it, as far as we can judge; Shakespeare is often perfect in it for long together, though then, from the defects of a bad education and a vicious age, all at once he loses himself in excesses. Still, Homer, and Shakespeare at his best, and Scott though in other respects so unequal to them, have this remarkable quality in common, — this union of life with measure, of spirit with reasonableness.

In action it is equally this quality in which the English — at least so I claim it for them — excel all other nations. There is an infinite deal to be laid against us, and as we are unpopular with most others and as we are always grumbling at ourselves, there is no want of people to say it: but after all, in a certain sense, England is a success in the world; her career has had many faults, but still it has been a fine and winning career upon the whole, — and this on account of the exact possession of this particular quality. What is the making of a successful merchant? That he has plenty of energy, and yet that he does not go too far. And if you ask for a description of a great practical Englishman, you will be sure to have this, or something like it: — "Oh, he has plenty of go in him, but he knows when to pull up." He may have all other defects in him; he may be coarse, he may be illiterate, he may be stupid to talk to: still this great union of spur and bridle, of energy and moderation, will remain to him. Probably he will hardly be able to explain why he stops when he does stop, or why he continued to move as long as he in fact moved; but still, as by a rough instinct, he pulls up pretty much where he should, though he was going at such a pace before.

There is no better example of this quality in English statesmen than Lord Palmerston. There are of course many most serious accusations to be made against him. The sort of homage with which he was regarded

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in the last years of his life has passed away; the spell is broken, and the magic cannot be again revived. We may think that his information was meager, that his imagination was narrow, that his aims were short-sighted and faulty; but though we may often object to his objects, we rarely find much to criticize in his means. "He went," it has been said, "with a great swing," but he never tumbled over; he always managed to pull up "before there was any danger." He was an odd man to have inherited Hampden's motto; still, in fact there was a great trace in him of *mediocria firma*,—as much probably as there could be in any one of such great vivacity and buoyancy.

It is plain that this is a quality which as much as, if not more than, any other multiplies good results in practical life. It enables men to see what is good; it gives them intellect enough for sufficient perception: but it does not make men all intellect; it does not "sickly them o'er with the pale cast of thought"*; it enables them to do the good things they see to be good, as well as to see that they are good. And it is plain that a government by popular discussion tends to produce this quality: a strongly idiosyncratic mind, violently disposed to extremes of opinion, is soon weeded out of political life; and a bodiless thinker, an ineffectual scholar, cannot even live there for a day. A vigorous moderateness in mind and body is the rule of a polity which works by discussion; and upon the whole it is the kind of temper most suited to the active life of "such a being as man in such a world as the present one."†

These three great benefits of free government, though great, are entirely secondary to its continued usefulness in the mode in which it originally was useful. The first great benefit was the deliverance of mankind from the superannuated yoke of customary law, by the gradual development of an inquisitive originality; and it continues to produce that effect upon persons apparently far remote from its influence,

* "Hamlet," iii. 1. † See foot-note to Vol. ii., page 109.

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and on subjects with which it has nothing to do. Thus Mr. Mundella, a most experienced and capable judge, tells us that the English artisan, though so much less sober, less instructed, and less refined than the artisans of some other countries, is yet more inventive than any other artisan; the master will get more good suggestions from him than from any other.

Again, upon plausible grounds, — looking, for example, to the position of Locke and Newton in the science of the last century and to that of Darwin in our own, — it may be argued that there is some quality in English thought which makes them strike out as many if not more first-rate and original suggestions than nations of greater scientific culture and more diffused scientific interest. In both cases I believe the reason of the English originality to be that government by discussion quickens and enlivens thought all through society; that it makes people think no harm may come of thinking; that in England this force has long been operating, and so it has developed more of all kinds of people ready to use their mental energy in their own way, and not ready to use it in any other way, than a despotic government. And so rare is great originality among mankind, and so great are its fruits, that this one benefit of free government probably outweighs what are in many cases its accessory evils; of itself it justifies or goes far to justify our saying with Montesquieu, "Whatever be the cost of this glorious liberty, we must be content to pay it to heaven."

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No. VI.

VERIFIABLE PROGRESS POLITICALLY CONSIDERED.

THE original publication of these essays was interrupted by serious illness and by long consequent ill-health; and now that I am putting them together, I wish to add another which shall shortly explain the main thread of the argument which they contain. In doing so there is a risk of tedious repetition; but on a subject both obscure and important, any defect is better than an appearance of vagueness.

In a former essay I attempted to show that slighter causes than is commonly thought may change a nation from the stationary to the progressive state of civilization, and from the stationary to the degrading.* Commonly the effect of the agent is looked on in the wrong way: it is considered as operating on every individual in the nation, and it is assumed or half assumed that it is only the effect which the agent directly produces on every one that need be considered. But besides this diffused effect of the first impact of the cause, there is a second effect, always considerable and commonly more potent,—a new *model* in character is created for the nation; those characters which resemble it are encouraged and multiplied, those contrasted with it are persecuted and made fewer. In a generation or two the look of the nation becomes quite different: the characteristic men who stand out are different, the men imitated are different, the result of the imitation is different. A lazy nation may be changed into an industrious, a rich into a poor, a religious into a profane, as if by magic, if

Sic, but probably a slip of the pen for "degraded" or "declining." — ED.

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any single cause though slight, or any combination of causes however subtle, is strong enough to change the favorite and detested types of character.

This principle will, I think, help us in trying to solve the question why so few nations have progressed, though to us progress seems so natural; what is the cause or set of causes which have prevented that progress in the vast majority of cases and produced it in the feeble minority. But there is a preliminary difficulty: what is progress and what is decline? Even in the animal world, there is no applicable rule accepted by physiologists which settles what animals are higher or lower than others; there are controversies about it. Still more, then, in the more complex combinations and politics of human beings, it is likely to be hard to find an agreed criterion for saying which nation is before another, or what age of a nation was marching forward and which was falling back. Archbishop Manning would have one rule of progress and decline, Professor Huxley in most important points quite an opposite rule; what one would set down as an advance the other would set down as a retreat. Each has a distinct end which he wishes and a distinct calamity which he fears, but the desire of the one is pretty near the fear of the other; books would not hold the controversy between them. Again, in art, who is to settle what is advance and what decline? Would Mr. Ruskin agree with any one else on this subject, would he even agree with himself, or could any common inquirer venture to say whether he was right or wrong?

I am afraid that I must, as Sir William Hamilton used to say, "truncate a problem which I cannot solve,"—I must decline to sit in judgment on disputed points of art, morals, or religion; but without so doing, I think there is such a thing as "verifiable progress," if we may say so,—that is, progress which ninety-nine hundredths or more of mankind will admit to be such, against which there is no established

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or organized opposition creed, and the objectors to which, essentially varying in opinion themselves, and believing one one thing and another the reverse, may be safely and altogether rejected.

Let us consider in what a village of English colonists is superior to a tribe of Australian natives who roam about them. Indisputably in one — and that a main — sense they are superior: they can beat the Australians in war when they like; they can take from them anything they like and kill any of them they choose. As a rule, in all the outlying and uncontested districts of the world, the aboriginal native lies at the mercy of the intruding European. Nor is this all: indisputably in the English village there are more means of happiness, a greater accumulation of the instruments of enjoyment, than in the Australian tribe; the English have all manner of books, utensils, and machines which the others do not use, value, or understand. And in addition, and beyond particular inventions, there is a general strength which is capable of being used in conquering a thousand difficulties, and is an abiding source of happiness, because those who possess it always feel that they can use it.

If we omit the higher but disputed topics of morals and religion, we shall find, I think, that the plainer and agreed-on superiorities of the Englishmen are these: — First, that they have a greater command over the powers of nature upon the whole: though they may fall short of individual Australians in certain feats of petty skill, — though they may not throw the boomerang as well or light a fire with earth-sticks as well, — yet on the whole, twenty Englishmen with their implements and skill can change the material world immeasurably more than twenty Australians and their machines. Secondly, that this power is not external only, it is also internal: the English not only possess better machines for moving nature, but are themselves better machines. Mr.

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Babbage taught us years ago that one great use of machinery was not to augment the force of man, but to register and regulate the power of man; and this in a thousand ways civilized man can do, and is ready to do, better and more precisely than the barbarian. Thirdly, civilized man not only has greater powers over nature, but knows better how to use them; and by better, I here mean better for the health and comfort of his present body and mind. He can lay up for old age, which a savage having no durable means of sustenance cannot; he is ready to lay up because he can distinctly foresee the future, which the vague-minded savage cannot; he is mainly desirous of gentle continuous pleasure, whereas the barbarian likes wild excitement and longs for stupefying repletion. Much if not all of these three ways may be summed up in Mr. Spencer's phrase, that progress is an increase of adaptation of man to his environment, — that is, of his internal powers and wishes to his external lot and life; something of it too is expressed in the old pagan idea *mens sana in corpore sano*, — and I think this sort of progress may be fairly investigated quite separately, as it is progress in a sort of good every one worth reckoning with admits and agrees in. No doubt there will remain people like the aged savage who in his old age went back to his savage tribe, and said that he had "tried civilization for forty years, and it was not worth the trouble"; but we need not take account of the mistaken ideas of unfit men and beaten races. On the whole, the plainer sort of civilization, the simpler moral training, and the more elementary education are plain benefits. And though there may be doubt as to the edges of the conception, yet there certainly is a broad road of "verifiable progress" which not only discoverers and admirers will like, but which all those who come upon it will use and value.

Unless some kind of abstraction like this is made

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in the subject, the great problem "What causes progress?" will, I am confident, long remain unsolved. Unless we are content to solve simple problems first, the whole history of philosophy teaches that we shall never solve hard problems. This is the maxim of scientific humility so often insisted on by the highest inquirers, — that in investigations as in life, "those who exalt themselves shall be abased, and those who humble themselves shall be exalted;" and though we may seem mean only to look for the laws of plain comfort and simple present happiness, yet we must work out that simple case first before we encounter the incredibly harder additional difficulties of the higher art, morals, and religion.

The difficulty of solving the problem even thus limited is exceedingly great: the most palpable facts are exactly the contrary to what we should expect. Lord Macaulay tells us that "In every experimental science there is a tendency towards perfection; in every human being there is a tendency to ameliorate his condition:"* and these two principles, operating everywhere and always, might well have been expected to carry mankind rapidly forward. Indeed, taking verifiable progress in the sense which has just been given to it, we may say that nature gives a prize to every single step in it: every one that makes an invention that benefits himself or those around him is likely to be more comfortable himself, and to be more respected by those around him. To produce new things "serviceable to man's life and conducive to man's estate" is, we should say, likely to bring increased happiness to the producer; it often brings immense reward certainly now, — a new form of good steel pen, a way of making some kind of clothes a little better or a little cheaper, have brought men great fortunes. And there is the same kind of prize for industrial improvement in the earliest times as in the latest, though the benefits so obtainable in early society are poor indeed in comparison with

*See note to page 545.

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those of advanced society. Nature is like a schoolmaster at least in this, — she gives her finest prizes to her high and most instructed classes; still, even in the earliest society, nature helps those who can help themselves, and helps them very much.

All this should have made the progress of mankind — progress at least in this limited sense — exceedingly common; but in fact any progress is extremely rare. As a rule (and as has been insisted on before), a stationary state is by far the most frequent condition of man, as far as history describes that condition; the progressive state is only a rare and an occasional exception.

Before history began, there must have been in the nation which writes it much progress, else there could have been no history: it is a great advance in civilization to be able to describe the common facts of life, and perhaps if we were to examine it we should find that it was at least an equal advance to wish to describe them. But very few races have made this step of progress: very few have been capable even of the meanest sort of a history; and as for writing such a history as that of Thucydides, most nations could as soon have constructed a planet. When history begins to record, she finds most of the races incapable of history; arrested, unprogressive, and pretty much where they are now.

Why, then, have not the obvious and natural causes of progress (as we should call them) produced those obvious and natural effects? Why have the real fortunes of mankind been so different from the fortunes which we should expect? This is the problem which in various forms I have taken up in these papers, and this is the outline of the solution which I have attempted to propose: —

The progress of *man* requires the co-operation of *men* for its development: that which any one man or any one family could invent for themselves is obviously exceedingly limited. And even if this were

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not true, isolated progress could never be traced: the rudest sort of co-operative society, the lowest tribe and the feeblest government, is so much stronger than isolated man, that isolated man (if he ever existed in any shape which could be called man) might very easily have ceased to exist. The first principle of the subject is, that man can only make progress in "co-operative groups"; I might say tribes and nations, but I use the less common word because few people would at once see that tribes and nations *are* co-operative groups, and that it is their being so which makes their value,—that unless you can make a strong co-operative bond, your society will be conquered and killed out by some other society which has such a bond. And the second principle is, that the members of such a group should be similar enough to one another to co-operate easily and readily together. The co-operation in all such cases depends on a *felt union* of heart and spirit; and this is only felt when there is a great degree of real likeness in mind and feeling, however that likeness may have been attained.

This needful co-operation and this requisite likeness I believe to have been produced by one of the strongest yokes (as we should think if it were to be reimposed now) and the most terrible tyrannies ever known among men,—the authority of "customary law." In its earlier stage this is no pleasant power,—no "rose-water" authority, as Carlyle would have called it,—but a stern, incessant, implacable rule; and the rule is often of most childish origin, beginning in a casual superstition or local accident. "These people," says Captain Palmer of the Fiji, "are very conservative. A chief was one day going over a mountain path followed by a long string of his people, when he happened to stumble and fall; all the rest of the people immediately did the same except one man, who was set upon by the rest to know whether he considered himself better than the chief."

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What can be worse than a life regulated by that sort of obedience and that sort of imitation? This is of course a bad specimen; but the nature of customary law as we everywhere find it in its earliest stages is that of coarse casual comprehensive usage, beginning we cannot tell how, deciding we cannot tell why, but ruling every one in almost every action with an inflexible grasp.

The necessity of thus forming co-operative groups by fixed customs explains the necessity of isolation in early society. As a matter of fact, all great nations have been prepared in privacy and in secret; they have been composed far away from all distraction. Greece, Rome, Judæa, were framed each by itself, and the antipathy of each to men of different race and different speech is one of their most marked peculiarities and quite their strongest common property. And the instinct of early ages is a right guide for the needs of early ages: intercourse with foreigners then broke down in states the fixed rules which were forming their characters, so as to be a cause of weak fiber of mind, of desultory and unsettled action; the living spectacle of an admitted unbelief destroys the binding authority of religious custom and snaps the social cord.

Thus we see the use of a sort of "preliminary" age in societies, when trade is bad because it prevents the separation of nations, because it infuses distracting ideas among occupied communities, because it "brings alien minds to alien shores." And as the trade which we now think of as an incalculable good is in that age a formidable evil and destructive calamity, so war and conquest, which we commonly and justly see to be now evils, are in that age often singular benefits and great advantages: it is only by the competition of customs that bad customs can be eliminated and good customs multiplied; conquest is the premium given by nature to those national characters which their national customs have made most fit to

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win in war, and in many most material respects those winning characters are really the best characters,—the characters which do win in war are the characters which we should wish to win in war.

Similarly, the best institutions have a natural military advantage over bad institutions. The first great victory of civilization was the conquest of nations with ill-defined families having legal descent through the mother only, by nations of definite families tracing descent through the father as well as the mother, or through the father only. Such compact families are a much better basis for military discipline than the ill-bound families which indeed seem hardly to be families at all, where "paternity" is for tribal purposes an unrecognized idea, and where only the physical fact of "maternity" is thought to be certain enough to be the foundation of law or custom. The nations with a thoroughly compacted family system have "possessed the earth,"—that is, they have taken all the finest districts in the most competed-for parts; and the nations with loose systems have been merely left to mountain ranges and lonely islands. The family system, and that in its highest form, has been so exclusively the system of civilization that literature hardly recognizes any other, and that if it were not for the living testimony of a great multitude of scattered communities which are "fashioned after the structure of the elder world," we should hardly admit the possibility of something so contrary to all which we have lived amongst and which we have been used to think of. After such an example of the fragmentary nature of the evidence, it is in comparison easy to believe that hundreds of strange institutions may have passed away, and have left behind them not only no memorial, but not even a trace or a vestige to help the imagination to figure what they were.

I cannot expand the subject, but in the same way the better religions have had a great physical advantage, if I may say so, over the worse: they have given

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what I may call a *confidence in the universe.* The savage subjected to a mean superstition is afraid to walk simply about the world, — he cannot do *this* because it is ominous, or he must do *that* because it is lucky, or he cannot do anything at all till the gods have spoken and given him leave to begin. But under the higher religions there is no similar slavery and no similar terror. The belief of the Greek,

εἷς οἰωνὸς ἄριστος, ἀμύνεσθαι περὶ πάτρης·*

the belief of the Roman that he was to trust in the gods of Rome, for those gods were stronger than all others; the belief of Cromwell's soldiery that they were to "trust in God and keep their powder dry,"— are great steps in upward progress, using "progress" in its narrowest sense: they all enabled those who believed them to "take the world as it comes," to be guided by no unreal reason and to be limited by no mystic scruple; whenever they found anything to do, to do it with their might. And more directly what I may call the *fortifying* religions — that is to say, those which lay the plainest stress on the manly parts of morality, upon valor, on truth and industry — have had plainly the most obvious effect in strengthening the races which believed them and in making those races the winning races.

No doubt many sorts of primitive improvement are pernicious to war; an exquisite sense of beauty, a love of meditation, a tendency to cultivate the force of the mind at the expense of the force of the body, for example, help in their respective degrees to make men less warlike than they would otherwise be. But these are the virtues of other ages: the first work of the first ages is to bind men together in the strong bond of a rough, coarse, harsh custom, and the incessant conflict of nations effects this in the best way. Every nation is a "hereditary co-operative group,"

* "The best omen is to fight for one's country." ("Iliad," xii. 243.)

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bound by a fixed custom; and out of those groups, those conquer which have the most binding and most invigorating customs, and these are as a rough rule the best customs. The majority of the "groups" which win and conquer are better than the majority of those which fail and perish, and thus the first world grew better and was improved.

This early customary world no doubt continued for ages. The first history delineates great monarchies, each composed of a hundred customary groups, all of which believed themselves to be of enormous antiquity, and all of which must have existed for very many generations. The first historical world is not a new-looking thing, but a very ancient; and according to principle it is necessary that it should exist for ages. If human nature was to be gradually improved, each generation must be born better tamed, more calm, more capable of civilization — in a word, more *legal* — than the one before it; and such inherited improvements are always slow and dubious. Though a few gifted people may advance much, the mass of each generation can improve but very little on the generation which preceded it; and even the slight improvement so gained is liable to be destroyed by some mysterious atavism, some strange recurrence to a primitive past. Long ages of dreary monotony are the first facts in the history of human communities; but those ages were not lost to mankind, for it was then that was formed the comparatively gentle and guidable thing which we now call human nature.

And indeed, the greatest difficulty is not in preserving such a world but in ending it; we have brought in the yoke of custom to improve the world, and in the world the custom sticks. In a thousand cases — in the great majority of cases — the progress of mankind has been arrested in this its earliest shape; it has been closely embalmed in a mummy-like imitation of its primitive existence. I have endeavored to show in what manner and how slowly and in how

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few cases this yoke of custom was removed. It was "government by discussion" which broke the bond of ages and set free the originality of mankind; then and then only the motives which Lord Macaulay counted on to secure the progress of mankind in fact begin to work: *then* the "tendency in every man to ameliorate his condition" begins to be important, because then man can alter his condition, while before he is pegged down by ancient usage; *then* the "tendency in each mechanical art towards perfection" begins to have force, because the artist is at last allowed to seek perfection, after having been forced for ages to move in the straight furrow of the old fixed way.

As soon as this great step upwards is once made, all or almost all the higher gifts and graces of humanity have a rapid and a definite effect on "verifiable progress,"—on progress in the narrowest because in the most universally admitted sense of the term. Success in life then depends, as we have seen, more than anything else on "animated moderation,"—on a certain combination of energy of mind and balance of mind, hard to attain and harder to keep; and this subtle excellence is aided by all the finer graces of humanity. It is a matter of common observation that though often separated, fine taste and fine judgment go very much together; and especially that a man with gross want of taste, though he may act sensibly and correctly for a while, is yet apt to break out sooner or later into gross practical error. In metaphysics, probably both taste and judgment involve what is termed "poise of mind,"—that is, the power of true passiveness; the faculty of "waiting" till the stream of impressions, whether those of life or those of art, have done all that they have to do and cut their full type plainly upon the mind. The ill-judging and the untasteful are both over-eager; both move too quick[ly] and blur the image. In this way the union between a subtle sense of beauty and a subtle discretion in conduct is a natural one, because it rests on

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the common possession of a fine power, though in matter of fact that union may be often disturbed, — a complex sea of forces and passions troubles men in life and action, which in the calmer region of art are hardly to be felt at all; and therefore the cultivation of a fine taste tends to promote the function of a fine judgment, which is a main help in the complex world of civilized existence. Just so too the manner in which the more delicate parts of religion daily work in producing that "moderation" which, upon the whole and as a rule, is essential to long success (defining success even in its most narrow and mundane way), might be worked out in a hundred cases, though it would not suit these pages. Many of the finer intellectual tastes have a similar restraining effect; they prevent or tend to prevent a greedy voracity after the good things of life, which makes both men and nations in excessive haste to be rich and famous, often makes them do too much and do it ill, and so often leaves them at last without money and without respect.

But there is no need to expand this further. The principle is plain that though these better and higher graces of humanity are impediments and incumbrances in the early fighting period, yet that in the later era they are among the greatest helps and benefits; and that as soon as governments by discussion have become strong enough to secure a stable existence, and as soon as they have broken the fixed rule of old custom and have awakened the dormant inventiveness of men, then for the first time almost every part of human nature begins to spring forward, and begins to contribute its quota even to the narrowest, even to "verifiable" progress. And this is the true reason of all those panegyrics on liberty which are often so measured* in expression but are in essence so true to life and nature, — liberty is the strengthening

* *Sic*, but evidently a typographical error, perhaps for "unsound." — Ed.

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and developing power — the light and heat — of political nature; and when some "Cæsarism" exhibits as it sometimes will an originality of mind, it is only because it has managed to make its own the products of past free times or neighboring free countries; and even that originality is only brief and frail, and after a little while, when tested by a generation or two, in time of need it falls away.

In a complete investigation of all the conditions of "verifiable progress," much else would have to be set out. For example, science has secrets of her own: nature does not wear her most useful lessons on her sleeve; she only yields her most productive secrets, those which yield the most wealth and the most "fruit," to those who have gone through a long process of preliminary abstraction. To make a person really understand the "laws of motion" is not easy, and to solve even simple problems in abstract dynamics is to most people exceedingly hard; and yet it is on these out-of-the-way investigations, so to speak, that the art of navigation, all physical astronomy, and all the theory of physical movements at last depend. But no nation would beforehand have thought that in so curious a manner such great secrets were to be discovered; and many nations, therefore, which get on the wrong track, may be distanced — supposing there to be no communication — by some nation not better than any of them which happens to stumble on the right track. If there were no "Bradshaw" and no one knew the time at which trains started, a man who caught the express would not be a wiser or a more business-like man than he who missed it, and yet he would arrive whole hours sooner at the capital both are going to; and unless I misread the matter, such was often the case with early knowledge. At any rate, before a complete theory of "verifiable progress" could be made, it would have to be settled whether this is so or not, and the conditions of the development of physical science would have to be

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fully stated; obviously, you cannot explain the development of human comfort unless you know the way in which men learn and discover comfortable things. Then again, for a complete discussion whether of progress or degradation, a whole course of analysis is necessary as to the effect of natural agencies on man, and of change in those agencies; but upon these I cannot touch, — the only way to solve these great problems is to take them separately. I only profess to explain what seem to me the political prerequisites of progress, and especially of early progress. I do this the rather because the subject is insufficiently examined; so that even if my views are found to be faulty, the discussion upon them may bring out others which are truer and better.

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